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# Article 2: Zoning Regulations

## 201 Administration

### A. Authority and Jurisdiction

1. This Article is enacted pursuant to the powers granted and limitations imposed by the laws of the State of Texas, including the statutory authority granted in TLGC Chapter 211, and all other relevant laws of the State of Texas. Whenever any provision of this Code refers to or cites a section of the Texas Revised Statutes and that section is later amended or superseded, this Code shall be deemed amended to refer to the current version of the Texas Revised Statutes.
2. The Director of Planning shall be responsible for interpreting and administering this Article.
3. The Director may waive or adjust any of the submittal requirements prior to formal application submittal if such requirements are unnecessary to demonstrate satisfaction of the applicable review criteria.
4. The Director of Planning shall have the authority to appoint a qualified staff person to serve as the Historic Preservation Officer (HPO), who meets the minimum qualifications as delineated in the Secretary of the Interior's Professional Qualification Standards.

### B. Applicability

This Article shall govern any and all buildings, structures, site features, and land located within the corporate limits of the City and shall further apply to any and all legal annexations of land or additions made to the City subsequent to the adoption of this Code. This Article is not intended to abrogate or annul any permits issued before the effective date of the ordinance from which this section is derived; or any easement, covenant, or other private agreement provided that the permit, easement, covenant, or agreement was valid and not lapsed or expired.

### C. Legal Nonconformities

#### 1. Purpose

- a. This section governs uses, buildings, structures, lots, and site features that came into existence legally prior to the effective date of this Code or the effective date of any future amendments to this Code and remained in continuous use from at the time of their inception but do not now comply with or conform to one or more requirements of this Code or due to an amendment to this Code. All such situations are collectively referred to in this Code as "legal nonconformities."
- b. Any legal nonconforming use, structure, lot, or site feature that becomes legal nonconforming as a result of any subsequent rezoning or amendment to the text of this Code may be continued or maintained only in accordance with the terms of this Article.

#### 2. Legal Nonconforming Status

A legal nonconforming status shall exist under the following provisions of this Code:

- a. When a use, lot, building, structure, or site feature does not conform to the current regulations of this Code, but was legally established at a prior date when the use, lot, building, structure, or site feature was in conformance with applicable regulations and such use, lot, building, structure, or site feature has been in continuous use or operation since its establishment.
- b. When a use, lot, building, structure, or site feature does not conform to the current regulations of this Code, but was legally established prior to and in existence at the time of annexation to the City and has been in continuous use, existence, or operation without interruption since being annexed. Any legal nonconforming use, lot, building, structure, or site feature may be registered with the City at the time of annexation.

- c. One or more changes in ownership, tenant, or management for a property with an existing legal nonconformity may occur, but such nonconformities shall continue to be subject to the standards of this section.
- d. If a nonconforming use, lot, building, structure, or site feature exists but does not comply with the provisions of this section, said nonconformity shall be deemed to be in violation of this Code.

**3. Burden to Establish Proof of Legal Nonconformity**

The burden of proof for establishing the existence of a legal nonconformity shall be the sole responsibility of the property owner. The Director of Planning shall have the authority to determine whether a use, building, structure, lot, or site feature is legal nonconforming.

**4. Continuing Legal Nonconformity**

**a. Uses**

- I. Legal nonconforming uses may continue to operate indefinitely, unless the legal nonconforming use is discontinued as described in §201C.6, *Discontinuance of a Legal Nonconforming Use*.
- II. A nonconforming use may not be replaced by or changed to another nonconforming use.
- III. Legal nonconforming uses shall not be modified in any way that increases the degree of nonconformity, unless otherwise stated herein.

**b. Buildings or Structures**

- I. Legal nonconforming structures may continue to be used, occupied, or otherwise exist, subject to the Board of Adjustment's power of amortization.
- II. A legal nonconforming building may be occupied by a conforming use and may be maintained and repaired in accordance with this code as needed to preserve or extend its usability.
- III. Legal nonconforming buildings or structures shall not be modified in any way that increases the degree of nonconformity, unless otherwise stated herein.

**c. Lots**

- I. A lot created by a subdivision plat that was made nonconforming by the enactment of this Code may be used for construction of a building or structure allowed in the applicable zoning district, provided all other zoning district and dimensional standards are met with exception of lot size.
- II. Any legal nonconforming lot or tract of land may be platted or replatted so long as the existing legal nonconformities of the lot or tract of land are not exacerbated by the plat or replat, and the size of the legal nonconforming lot or tract of land is not reduced. Required right-of-way dedications reducing a lot's area shall not be deemed an exacerbation of a nonconforming lot area.
- III. Legal nonconforming lots may continue to be used, occupied, or otherwise exist subject to the Board of Adjustment's power of amortization.
- IV. Legal conforming lots or tracts of land containing legal nonconforming buildings or structures may be platted or replatted so long as the legal nonconformities of the building or structure are not exacerbated by the plat or replat, and the size of the legal nonconforming lot or tract of land is not reduced.

**d. Site Features**

- I. Legal nonconforming site features may be maintained indefinitely, unless proposed changes to the site require modification per an applicable development standard.
- II. Site features shall not be modified in any way that increases the degree of nonconformity.

**e. Certain Uses and Lots in Existence Prior to 2019**

This subsection shall apply only to certain uses and lots in existence prior to May 7, 2019.

- I. Single-family residential dwellings located within a non-residential district may be improved, expanded, maintained, or rebuilt as they existed when originally constructed.

- II. Single-family residential dwellings may be constructed on any platted vacant lot(s) located within a non-residential district provided such vacant lot was originally platted and specifically identified solely for single-family residential dwellings.

**5. Expansion or Relocation of Nonconforming Uses, Buildings, or Structures**

- a. A legal nonconforming use within a building or structure shall not be expanded or increased, except as follows:
  - I. A nonconforming use within a building may be expanded throughout the existing building, provided that:
    - a. No alterations to the building are required by ordinance to accommodate the expansion of the legal nonconforming use; and
    - b. The number of dwelling units in a building is not increased.
  - II. A nonconforming structure may be altered or enlarged, provided that such alteration or enlargement shall neither create any new legal nonconformity nor shall increase the degree of the existing legal nonconformity of all or any part of the structure. An alteration for a non-air-conditioned space (e.g., patio, porch, roof terrace, balcony, arcade) may be allowed subject to approval by the appropriate Administrative Official.
  - III. Any expansion of a nonconforming non-residential building or structure shall meet the required development standards of this Code at the time of the expansion.
- b. Legal nonconforming buildings or structures may be relocated within the same lot so long as the footprint of any existing legal nonconformity is not increased, expanded, or exacerbated except as follows:
  - I. The minimum single-family residential lot width, depth, and/or area for the various zoning districts shall be in accordance with the respective district's standards, except that a lot having less width, depth, and/or area than herein required, which was created as a lot of record prior to the adoption of this Code, may continue to be used for a single-family residential use.

**6. Discontinuance of a Legal Nonconforming Use**

- a. If a legal nonconforming use is discontinued or ceases to operate for any reason for a period of more than 12 consecutive months, the use shall be deemed to be abandoned. Once abandoned, the legal nonconforming status shall be lost and the right to operate the nonconforming use shall cease. Reestablishment of the legal nonconforming use shall be prohibited, unless reestablishment is approved by the Board of Adjustment through a Special Exception, as described in §203G.2, *Special Exception*.
- b. If a nonconforming use operates out of a non-permanent structure, and that structure is removed from the property on which the use has been operating, the use shall be deemed permanently abandoned.
- c. The Board of Adjustment shall have the authority to reinstate the legal nonconforming status of a use by approving a Special Exception, as described in §203G.2, if the Board finds there was clear intent not to abandon the use even though the use was discontinued for more than 12 consecutive months, or if extraordinary circumstances caused the discontinuance. The failure of the owner and/or operator to remove on-premises signs related to the legal nonconforming use shall not be sufficient, as the sole evidence presented by the applicant, to establish a clear intent not to discontinue or abandon the use.

**7. Destruction of Building, Structure, or Site Feature by Fire, the Elements, or Other Cause**

Nonconforming buildings, structures, or site features shall not be rebuilt, unless they adhere to all applicable provisions of this Code. Nonconforming buildings or structures shall lose their legal nonconforming status if they are restored or reconstructed in violation of this subsection, except as specifically provided otherwise below.

**a. Partial Destruction**

- I. In the event of partial destruction of a legal nonconforming building, structure, or site feature not exceeding 50 percent of the total market value for the building as determined by the Collin Central Appraisal District, reconstruction will be permitted to restore the legal nonconforming building,

structure, or site feature to its previously existing condition. If the Collin Central Appraisal District does not offer a market value for the building, structure, or site feature, a contractor's estimate to fully reconstruct the building, structure, or site feature shall be used.

- II. The legal nonconforming building or structure may only be restored or reconstructed to have the same, but not greater, height, shape, floor area, and appearance as it had immediately prior to the damage or destruction. The Chief Building Official shall estimate the height, shape, floor area, and appearance of the structure immediately prior to the damage or destruction, and shall consult with the property owner, if necessary, to make a determination.
- III. The property owner may appeal the determination of the Chief Building Official to the Board of Adjustment, as described in §203F.1, *Administrative Appeal*. The property owner shall be responsible for providing proof in support of their contention about the size or extent of the structure.

**b. Total Destruction**

- I. If a legal nonconforming building, structure, or site feature is totally destroyed by fire, the elements, or other cause, it may not be rebuilt unless it adheres to all currently applicable regulations. For the purposes of this section, "total destruction" shall mean destruction of 50 percent or more of the structure's total market value as determined by the Collin Central Appraisal District. If the Collin Central Appraisal District does not offer a market value for the building, structure, or site feature, a contractor's estimate to fully reconstruct the building, structure, or site feature shall be used.
- II. Exceptions
  - a. Multi-family residential developments with multiple legal nonconforming multi-family residential building(s) or structure(s) that have been totally destroyed may be restored or reconstructed to have the same, but not greater, height, shape, floor area, and appearance that it had immediately prior to the damage or destruction, as long as the damage to the building(s) or structure(s) represents less than 50 percent of the market value of the overall development, as determined by the Collin Central Appraisal District. If the Collin Central Appraisal District does not offer a market value for the building, structure, or site feature, a contractor's estimate to fully reconstruct the building, structure, or site feature shall be used.
  - b. A legal nonconforming single-family residential building that is destroyed by more than 50 percent of its market value, as determined by the Collin Central Appraisal District, may be reconstructed and shall not lose its legal nonconforming status, except it must comply with all currently applicable building codes.

**8. Amortization of Legal Nonconforming Uses**

**a. Request to Establish Compliance Date**

- I. The City Council may request that the Board of Adjustment consider establishing a compliance date for a legal nonconforming use. Upon receiving such a request, the Board shall upon providing proper notice hold a public hearing to determine whether the continued operation of the legal nonconforming use will have an adverse effect on nearby properties or the community's welfare.
- II. Notice of the public hearing shall be provided in the manner established in §203A.4, Public Notice, for published notice and mailed notice. If, based on the evidence presented at the public hearing, the Board determines that continued operation of the legal nonconforming use will have an adverse impact on nearby properties, it shall call for a second public hearing to establish a compliance date for the legal nonconforming use.
- III. Nothing in this section shall prohibit the City and the owner(s) of a nonconforming use from mutually agreeing upon a compliance date. Any such agreement shall be in writing, approved by the City Council and said owner(s), fully executed and attested by all parties, and filed in the real property records of Collin County, Texas.

**b. Factors to be Considered**

The Board of Adjustment shall consider the following factors when determining whether the continued operation of the legal nonconforming use will have an adverse effect on nearby properties or the community's welfare:

- I. The Comprehensive Plan;
- II. The character of the surrounding or nearby properties;
- III. The degree of incompatibility of the use with the zoning district in which it is located;
- IV. The manner in which the legal nonconforming use is being conducted;
- V. The hours of operation of the use;
- VI. The extent to which continued operation of the use may threaten public health or safety;
- VII. The environmental impacts of the use's operation, including, but not limited to, the impacts of noise, glare, dust, and odor;
- VIII. The extent to which public disturbances and nuisances may be created or perpetuated by the continued operation of the use;
- IX. The extent to which traffic or parking problems may be created or perpetuated by the continued operation of the use; and
- X. Any other factors relevant to the issue of whether the continued operation of the use will adversely affect nearby properties.

**c. Determination of Amortization Period**

- I. If the Board of Adjustment determines that the continued operation of the legal nonconforming use has an adverse effect on nearby properties or the community welfare, it shall hold a second public hearing, in accordance with state law, to set a compliance date for the legal nonconforming use under a plan whereby the owner's actual investment in the use before the time that the use became legal nonconforming can be amortized within a defined time period. Notice of the second public hearing shall be in the manner established in §203A.4, Public Notice.
- II. The Board of Adjustment shall have the authority to require and request, through the issuance of a subpoena, the owner to produce the financial documentation and records within its possession, custody, or control (collectively "documents") relating to the factors listed in provision V. below. The owner shall provide to the Board such documents at least 30 days before the second public hearing.
- III. The Board of Adjustment shall also have the authority to request that the owner allow the City and its representatives or experts reasonable access to, upon, and about the property on which the legal nonconforming use in question is situated, together with a reasonable amount of time to examine, photograph, videotape, and inspect all aspects of the legal nonconforming use including, but not limited to, the property, structure, fixtures, assets, records, architectural drawings, and all appurtenances thereto, relating to the factors listed in provision V. below (collectively the "physical inspection"). The owner shall cooperate with the City to schedule a date and time period that is acceptable to both the owner and the City to provide reasonable access together with a reasonable amount of time to allow for the City to conduct the physical inspection at least 30 days before the second public hearing.
- IV. If the owner does not timely provide the Board of Adjustment any requested documents or fails to timely cooperate with the Board in allowing the City to perform the physical inspection, the Board is authorized to make its determination of a compliance date based upon any reasonably available public records, comparisons to physical inspection of one or more other similar uses, as well as public or expert testimony at the hearing. Failure or refusal by owner to timely provide any requested documents or to timely provide reasonable accommodation for the City to perform a physical inspection shall not prevent the Board from setting a compliance date. In addition, an owner's failure or refusal to timely provide any requested documents or to timely provide reasonable accommodation for the City to perform a physical inspection shall constitute the owner's waiver of any and all rights to challenge the qualifications of any witness providing testimony,

- opinions, or evidence of any kind or nature to the Board, submitted to the Board for its consideration in establishing a compliance date. An owner's failure or refusal to timely provide any requested documents or to timely provide reasonable accommodation to the City to perform a physical inspection shall also result in the owner's waiver of any and all rights to challenge any evidence, information, testimony, theories, conclusions, analysis, opinions, and results submitted to the Board for its consideration in establishing a compliance date.
- V. The Board of Adjustment shall provide a compliance date for the legal nonconforming use under a plan whereby the owner's actual investment in the use before the time that the use became legal nonconforming can be amortized within a defined time period. The following factors shall be considered by the Board in determining a reasonable amortization period:
    - a. The owner's capital investment in structures, fixed equipment, and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property before the time the use became legal nonconforming;
    - b. Any costs that are directly attributable to the establishment of a compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages;
    - c. Any return on investment since inception of the use, including net income and depreciation;
    - d. The anticipated annual recovery of investment, including net income and depreciation; and/or
    - e. A reasonable wind down period for the nonconforming use.
  - VI. If the Board of Adjustment elects not to provide a compliance date the use may continue to operate as a legal nonconforming use.
  - VII. For purposes of evaluating legal nonconforming uses, "owner" means the owner of the legal nonconforming use at the time of the Board of Adjustment's determination of a compliance date for the legal nonconforming use.
- d. Compliance Requirement**  
If the Board establishes a compliance date for a legal nonconforming use, the use must cease operations on or before that date and it may not operate thereafter unless such operations constitute a conforming use.
- e. Appeals and Final Decisions**
- I. A decision by the Board of Adjustment to establish a compliance date is not a final decision and cannot be immediately appealed.
  - II. A decision by the Board of Adjustment that the continuing operation of a nonconforming use will have an adverse effect on neighboring property or the community's welfare and the Board of Adjustment's decision to schedule a second public hearing to establish a compliance date are not final decisions and cannot be immediately appealed.
  - III. A decision by the Board of Adjustment to deny a request to establish a compliance date is final unless appealed to state court within 10 calendar days in accordance with Chapter 211 of the TLGC.
  - IV. A decision by the Board of Adjustment setting a compliance date is final unless appealed to state court within ten calendar days in accordance with Chapter 211 of the TLGC.

## 9. Completion of Buildings or Structures

Changes or amendments to this Code shall not warrant any changes to any building or structure that is subject to a valid building permit and is currently under construction. Approved site plans need not be modified to comply with any changes or amendments to this Code so long as a building permit is issued for the project within 30 days of the effective date of the amendment.

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## D. Compliance Required

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All land, uses, buildings, structures, or site features thereon located within the City, shall comply with the zoning regulations prescribed for the zoning district in which it is located as provided in this Code.

**E. Existing Sites Impacted by the Acquisition of Right-of-Way or Easements**

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For properties on which a Site Plan was previously approved or a certificate of occupancy issued, and on which right-of-way or easements were subsequently acquired for a highway or other roadway project that impacts the site, the following shall apply:

- 1.** Impacted site features shall be considered a legal nonconforming site feature and subject to the provisions of Section 201C Legal Nonconformities.
- 2.** The Director of Planning may approve a new Site Plan and a new Landscape Plan that do not strictly conform to the requirements of this Article based on the following factors:
  - a.** The site is not being demolished for a new development;
  - b.** The expansion, redevelopment, or alteration does not create a new legal nonconformity nor increase the degree of the existing legal nonconformity.
  - c.** The site strictly conforms to as many applicable development regulations as is practicable;
  - d.** The site still provides adequate pedestrian access and vehicular mobility as determined by the Director of Engineering under the authority found in the Engineer Design Manual;
  - e.** The property maintains at least two points of access to a public roadway;
  - f.** There are no site visibility or other public safety hazards;
  - g.** Refuse and recycling is still possible;
  - h.** There are no conflicts with existing or required easements or other dedications; and
  - i.** There are no other health or safety concerns.

## 202 Special Provisions

### A. Platting Required

No approval shall be granted for any plat within the city limits until the area has been permanently zoned by the City Council.

### B. Creation of Building Site

A permit for the construction of a building or buildings upon any tract or plot shall be issued only if a building site, building tract, or building lot has been created in compliance with one of the following:

1. The site, lot, or tract where any building is to be constructed is part of a plat of record, properly approved by the City and filed for record with the County Clerk;
2. The proposed non-residential or multi-family residential site, lot, or tract is all or part of a Site Plan that has been officially approved by the City;
3. The site, lot, or tract faces upon a dedicated paved public right-of-way of adequate width and structure as determined by the Fire Marshal and Director of Engineering and existed prior to April 29, 1968, or prior to the annexation of the property into the city, whichever is applicable; however, only one building permit for a single main building conforming to all the requirements of this Code may be issued on each site, tract, or lot, unless another subsection of this section is complied with; or
4. The non-residential land has been reflected on an approved final plat or plat of record. A Certificate of Occupancy shall not be issued until said plat of record has been filed for record with the County Clerk, and all other applicable regulations have been satisfied.

# 203 Procedures

## A. Standard Procedures

### 1. Application Required

Unless expressly stated otherwise in this Code, an application shall be submitted by the owner of the property on which development is proposed, or their authorized agent. If the property has multiple owners, then signatures for all owners are required. When the City is the applicant, no property owner signature shall be required. All applications shall include the following information:

- a. Name, address, email, and phone number of the property owner(s);
- b. Authorization of the property owner(s); and
- c. Description of the request.

### 2. Withdrawal of Application Submittal

An application may be withdrawn by written request to the Director of Planning.

### 3. Payment of Fees

All application fees as outlined in [Appendix A – Schedule of Fees](#) of the Code of Ordinances shall be paid prior to action being taken on an application and future development applications for the project or property in question may be refused if any required fees are not paid.

### 4. Public Notice

When required, public notice shall be provided as outlined below and as required by state law. See the Development Guide for example photos and signs.

#### a. Posted Notice

Posted notice shall meet the following requirements:

- I. The Director of Planning shall have the authority to determine if the notice posting on the subject property meets the intent of the requirements contained herein.
- II. Process:
  - a. The applicant shall post the required number of notification signs, as determined below, on the subject property at least ten days prior to the date of the public hearing before the Planning and Zoning Commission.
  - b. The applicant shall provide a signed affidavit and time-stamped photos of the notification signs between 8 A.M. on Wednesday and 5 p.m. on Friday, between 10 and 12 days before the scheduled Planning and Zoning Commission meeting. The applicant shall provide the following photos:
    - i. One legible photo of a sign showing the required information meeting the standards is provided on the signs,
    - ii. One photo of each right-of-way frontage showing that the signs are facing the right-of-way, and



- iii. An exhibit showing the location of the signs along the rights-of-way.
- c. Failure to post the sign at least ten days prior to the Planning and Zoning Commission public hearing and to submit the required photo evidence and accompanying affidavit of timely posting shall result in the postponement of the zoning change consideration by the commission.
- d. The applicant is responsible for maintaining the required number of notification signs posted on the subject property until final action is taken on the application by the City Council. An affidavit and photos shall be provided ten days prior to the City Council meeting in accordance with the requirements above to show that the notification signs have been maintained on the site.
- e. The signs shall be removed within five business days after final action on the application by the City Council.
- f. Costs of procuring, installing, or replacing signs shall be at the applicant's expense.

**III. Location:**

- a. Signs shall be posted on private property with an unobstructed view and in a manner where they can be clearly read from the public right-of-way.
- b. Signs shall be posted along the site's right-of-way frontage so that no sign is greater than 200 feet apart unless the site meets one of the following conditions:
  - i. The right-of-way frontage is less than 250 feet in length;
  - ii. The site is a corner lot and both right-of-way frontages are less than 250 feet in length; or
  - iii. The Director of Planning approves an alternate location or spacing requirement, meeting the intent of the requirements contained herein.

**IV. Sign Specifications:**

- a. Zoning change signs shall be obtained from a vendor that can provide signs which are designed to meet the specifications noted herein.
- b. All required signs shall be approximately four feet by four feet in size, as approved by the Director of Planning, and shall contain the following:
  - i. The city logo at a minimum width of 1-foot,
  - ii. Provide the following language along the top of the sign, "NOTICE OF PUBLIC HEARING",
  - iii. State the requested action,
  - iv. Provide a "for more info:" section where additional information may be requested that includes the following:
    - a. The city website for public notices,
    - b. the case number for the property,
    - c. A telephone number at the city, and
    - d. Planning department email address, and
  - v. Other information deemed relevant, as may be needed and as approved by the Director of Planning.

**b. Mailed Notice**

Mailed notice shall be provided in accordance with TLGC Chapter 211.

**c. Internet Notice**

Internet notice shall be provided in accordance with TLGC Chapter 211.

**d. Published Notice (Legal Notice)**

Published notice shall be provided in accordance with TLGC Chapter 211. The applicant shall be subject to an additional legal notice publication fee if the item is postponed, and re-notice is required.

**e. Constructive Notice**

Minor defects in the content of any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description, like the omission of a course or distance, or typographical or grammatical errors that do not impede communication of the notice to affected parties and an understanding regarding the general location of the property involved and the zoning change requested. In all cases, however, the requirements for the timing of the notice; the description of the affected area; and for specifying the time, date, and place of a hearing shall be strictly construed.

**5. New Approvals Override Previous Approvals**

When a new plan or permit is approved in accordance with §203E, Plan and Permit Procedures, any previously approved plans or permits shall be deemed withdrawn without the need for a withdrawal letter and any previous approvals shall become null and void.

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## B. Annexation Procedure

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### 1. Applicability

Properties in the City of McKinney's extraterritorial jurisdiction (ETJ) that meet the requirements of Chapter 43 of the TLGC are eligible for Annexation.

### 2. Submittal Requirements

Annexation applications shall be submitted and may be withdrawn in accordance with §203A, *Standard Procedures*, and shall include the following:

- a. Application and submittal fees (see [Appendix A – Schedule of Fees](#));
- b. Letter of intent, including an explanation of which of the following objectives the proposed annexation will achieve:
  - I. Economic Development: Facilitates public-private partnerships intended to stimulate economic growth, diversify the economic base, and/or create job opportunities.
  - II. Long Range Planning: Accomplishes the goals of the Comprehensive Plan, City Council strategic goals, and/or other goals outlined in City policy documents.
  - III. Protect Future Development: Protects future development from inadequate design and construction standards through the extension of the City's land use regulations and building codes.
  - IV. Capital Investments: Promotes a sustainable community through the efficient planning and provision of capital investments and the rational extension of public improvements.
  - V. Fiscal Responsibility: Balances the resources generated by taxes and other revenues to accommodate current needs as well as anticipated future needs.
- c. Petition (with authorization of all property owners);
- d. Annexation exhibit, including the following information
  - I. Detailed description of the location of subject property;
  - II. Clear boundary of the subject property;
  - III. The bearings and distances of the boundary lines of the subject property;
  - IV. Acreage of the subject property;
  - V. Neighboring parcels labeled with corresponding zoning and current land uses; and
  - VI. Adjacent right-of-way names and widths;
  - VII. A location map of the subject property indicating major roadways; and
  - VIII. North indicator and scale.
- e. Metes and bounds.

### 3. Approval Procedure

- a. Annexation into the City of McKinney's corporate limits may occur in accordance with the procedures in TLGC, Chapter 43, and Chapter 1 - Incorporation and Annexation of the City's Charter; and other applicable provisions of the McKinney Code.
- b. An Annexation request shall be considered by the City Council for action in accordance with Chapter 43 of TLGC.
- c. The City Council may concurrently hold a hearing on the annexation and a permanent zoning classification to the subject area or tract of land, after a recommendation by the Planning and Zoning Commission for the permanent zoning classification request.

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## C. Zoning Procedures

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### 1. Code Text Amendment

A Code Text Amendment is any change to the standards of the zoning districts or to the content of this Code.

#### a. Applicability

Code Text Amendments may only be initiated by an official of the City or the City Council.

#### b. Public Notice Required

Code Text Amendments shall be scheduled for public hearings and noticed in accordance with the procedures established in Chapter 211 of TLGC.

#### c. Approval Procedure

Code Text Amendments shall be considered by the City Council for action in accordance with the approval criteria below and Chapter 211 of TLGC, after a recommendation by the Planning and Zoning Commission.

#### d. Approval Criteria

- I. Whether the proposed change is consistent with the Comprehensive Plan and any other adopted plans as well as the intent and purpose of this Code;
- II. Whether the proposed change is necessary to correct an omission or error in the Code;
- III. Whether the proposed amendment is supported by sound planning principles; and
- IV. Whether the amendment promotes the public health, safety, or welfare.

### 2. Zoning Change

A Zoning Change is the procedure that establishes a new zoning designation on a property within the corporate limits of the City.

#### a. Applicability

- I. The Zoning Change procedure is applicable only for properties within the city limits or properties in the process of annexing into the city limits.
- II. A Zoning Change shall not be used when a Specific Use Permit or other flexibility procedure could achieve a similar result.
- III. Zoning to Planned Development shall not be used in the following circumstances:
  - a. When an existing standard zoning district could achieve a similar result;
  - b. Solely to reduce the costs of development; or
  - c. To modify use and development regulations outside Article 2.

#### b. Submittal Requirements

Zoning applications shall be submitted and may be withdrawn in accordance with §203A, *Standard Procedures*, and shall include the following:

- I. Application and submittal fee (see [Appendix A - Schedule of Fees](#));
  - a. Provide the signature and contact information of the owner or applicant (not applicable if the City is the applicant).
- II. Letter of intent, including the following information:
  - a. Detailed justification and/or supporting documentation as to why the applicant is requesting to rezone the subject property to a specific zoning district;
  - b. If requesting a PD – Planned Development District, provide justification as to why a straight zoning district cannot satisfy the development needs thereby requiring the request for a “PD” District; and
  - c. Any other special considerations or unique characteristics of subject property.
- III. Zoning exhibit, including the following information;
  - a. Detailed description of the location of subject property;

- b. Current and proposed zoning of the subject property;
  - c. Clear boundary of the subject property;
  - d. The bearings and distances of the boundary lines of the subject property (and any tract lines if applicable in a Planned Development District);
  - e. Acreage of the subject property;
  - f. Neighboring parcels labeled with corresponding zoning and current land uses;
  - g. Adjacent right-of-way names and widths;
  - h. A location map of the subject property indicating major roadways; and
  - i. North indicator and scale.
- IV.** Legal description submitted on a separate exhibit.
- V.** Development regulations (for PD-Planned Development District Zoning Changes);
- VI.** Metes and bounds description; and
- VII.** Any additional information as deemed necessary to adequately evaluate the application, as determined by the Director of Planning.
- c. Public Hearing and Notice Required**  
Zoning Changes shall be scheduled for public hearings before the Planning and Zoning Commission and the City Council and noticed in accordance with §203A.4, Public Notice. The following notice types are required for Zoning Changes:
- I.** Mailed Notice;
  - II.** Internet Notice;
  - III.** Posted Notice; and
  - IV.** Published Notice.
- d. Approval Procedure**  
Zoning Changes shall be considered for action in accordance with the approval criteria below and Chapter 211 of the TLGC, including a recommendation by the Planning and Zoning Commission and action by the City Council.
- e. Approval Criteria for All Zoning Changes**  
The following criteria shall be considered when evaluating a Zoning Change request:
- I.** Whether the proposed zoning district and allowed uses are consistent with the Comprehensive Plan and other adopted plans;
  - II.** Whether the Zoning Change would have an adverse impact on the character of the surrounding properties;
  - III.** Whether the uses permitted in the requested zoning district would result in an overconcentration of certain uses.
  - IV.** Whether the proposed zoning district and uses support and further the City Council's strategic goals; and
  - V.** Any other special circumstances that may be unique to the subject property.
- f. Additional Approval Criteria for Planned Development Zoning Requests**  
In addition to the criteria in subsection e. above, *Approval Criteria for All Zoning Changes*, the following shall be considered when evaluating a Zoning Change to PD - Planned Development district:
- I.** Whether the proposed Planned Development provides a greater level of public benefits than would otherwise be achieved if the property were developed under a standard zoning district; and
  - II.** The degree to which the proposed Planned Development incorporates a creative site design to achieve the purposes of this Code, and represents an improvement in quality over what is possible through strict application of the otherwise applicable zoning district or development standards.

**g. Denial**

If a Zoning Change request is denied, no new application that is the same or substantially similar, as determined by the Director of Planning, for the same property will be accepted within one calendar year of the date of denial.

**3. Specific Use Permit**

The Specific Use Permit (SUP) procedure establishes a right to operate a specific use on a property within the corporate limits of the City. An approved Specific Use Permit shall be considered an amendment to the zoning map.

**a. Applicability**

A SUP, as identified with an “S” in Table 2-, *Table of Allowed Uses*, is required prior to establishing certain land uses in particular zoning districts, pursuant to the procedure below, and all other requirements of this Code.

**b. Submittal Requirements**

SUP applications shall be submitted and may be withdrawn in accordance with §203A, *Standard Procedures*, and shall include the following:

- I.** Application, to include the following, and the submittal fee (see [Appendix A – Schedule of Fees](#));
  - a. Provide the signature and contact information of the owner or applicant,
  - b. Acreage of subject property,
  - c. Detailed description of the property,
  - d. Specify the existing zoning district(s),
  - e. A detailed justification and/or supporting documentation as to why the applicant is requesting a Specific Use Permit,
  - f. Provide detailed justification and/or supporting documentation as to why the specific use permit is appropriate on the subject property, and
  - g. Describe any other special considerations or unique characteristics of the subject property.
- II.** Specific Use Permit exhibit, including the following information:
  - a. Site plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities;
  - b. Size, height, and locations of buildings;
  - c. The uses to be permitted;
  - d. Means of ingress and egress to public streets;
  - e. The type of visual screening such as walls, plantings, and fences;
  - f. A location map of the subject property indicating major roadways;
  - g. North indicator and scale; and
  - h. The relationship of the intended use to all existing properties and land uses in all directions.
- III.** Metes and bounds description; and
- IV.** Any additional information as deemed necessary to adequately evaluate the application, as determined by the Director of Planning.

**c. Public Hearing and Notice Required**

SUP requests shall be scheduled for public hearings before the Planning and Zoning Commission and the City Council, and noticed in accordance with §203A.3203A.4, Public Notice. The following notice types are required for SUPs:

- I.** Mailed Notice;
- II.** Internet Notice;
- III.** Posted Notice; and
- IV.** Published Notice.

**d. Approval Procedure**

SUP applications shall be considered for action in accordance with the approval criteria below and Chapter 211 of the TLGC, which includes a recommendation by the Planning and Zoning Commission and action by the City Council. Approved SUPs shall be notated on the zoning map.

**e. Approval Criteria**

The following approval criteria shall be considered when evaluating a SUP request:

- I. Whether the request complies with all site specifications adopted by the City, including the base zoning district and/or the PD entitlements;
- II. Whether the site, buildings, and use meet the criteria specified for the use in §205C, *Use Definitions and Use-Specific Standards*;
- III. Whether the proposed use will be detrimental to the adjacent properties or to the City as a whole;
- IV. Whether the proposed uses are compatible in terms of scale (building massing, form, orientation, and location), intensity, and operating characteristics with uses and structures on adjacent properties and properties in the vicinity of the proposed application; and
- V. Whether potential impacts associated with such use are adequately mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening, to minimize adverse impacts on surrounding uses and the City.

**f. Transfer of Specific Use Permit**

A SUP issued by the City shall be transferable from an owner or occupant of the subject property to a new owner or occupant of the subject property.

**g. Denial**

If a SUP request is denied, no new application that is the same or substantially similar, as determined by the Director of Planning, for the same property will be accepted within one year of the date of denial.

**h. Expiration**

- I. A SUP shall expire 5 years after its approval or extension date if no building permits have been issued for the site, or if a building permit has been issued but has subsequently lapsed, with the exception that a SUP authorizing a private street development shall have no expiration.

**4. Designation of Historic Landmarks and Districts**

The City Council may designate certain buildings, sites, structures, and objects as historic landmarks and certain areas as historic districts. After approval, such landmarks and districts shall bear the word "historic" in their zoning designation. Upon the designation of an area as a historic landmark or district, the designation shall be recorded in the official public records of real property of Collin County, the tax records of the City and the City's official zoning maps.

**a. Landmark Designation Eligibility**

Any building, structure, site, or object that is at least 50 years old may be designated as a historic landmark if it meets at least one of the following:

- I. It possesses significance in history, architecture, archeology and/or culture;
- II. It is associated with events that made a significant contribution to the broad patterns of local, regional, state, or national history;
- III. It is associated with the lives of persons significant in our past;
- IV. It embodies the distinctive characteristics of a type, period, or method of construction;
- V. It represents the work of a master designer, builder, or craftsman; or
- VI. It represents an established and familiar visual feature of the city.

**b. Historic District Eligibility**

A district may be designated if it contains two or more properties meeting one or more of the criteria for designation of a landmark as established in §203.C.4.a, and constitutes a distinct section of the city.

**c. Public Hearing and Notice Required**

Designations of historic landmarks and districts shall be scheduled for public hearings before the Planning and Zoning Commission and the City Council and noticed in accordance with §203A.4, Public Notice. The following notice types are required for all such requests:

- I. Mailed Notice;
- II. Posted Notice; and
- III. Published Notice.

**d. Approval Procedure**

- I. The historic landmark or district designation process begins with one of the following actions:
  - a. The property owner(s) shall submit a written request to the Historic Preservation Officer to designate a property as historic. In the case of multiple property owners, all owners must sign the request; or
  - b. The Historic Preservation Advisory Board recommends to the Historic Preservation Officer that a building, site, structure, or object be designated as a landmark or an area of the city be designated as a historic district; or
  - c. The Historic Preservation Officer forwards a recommendation to the Planning and Zoning Commission that a building, site, structure, or object within the Commercial area of the H - Historic Overlay district be designated as a landmark.
- II. Within 30 days of receipt of the designation request, the Historic Preservation Officer shall make a recommendation to the Planning and Zoning Commission.
- III. Within 45 business days of receipt of the recommendation from the Historic Preservation Officer, the recommendation shall be scheduled for a hearing before the Planning and Zoning Commission. The Planning and Zoning Commission shall give notice, conduct a hearing and make a recommendation to the City Council. The request shall then be scheduled for the next available City Council Meeting.
- IV. At least 15 days prior to the first hearing of the Planning and Zoning Commission on the historic designation or inclusion in a local historic district of the property, the Historic Preservation Officer shall provide the owner a statement that describes the impact that a historic designation or inclusion in a local historic district may have on the owner and the owner's property. The historic designation impact statement must include lists of the:
  - a. Regulations that may be applied to the property after the designation;
  - b. Procedures for designation;
  - c. Tax benefits that may be applied to any structure on the property after the designation; and
  - d. Rehabilitation or repair programs that the municipality offers for a property designated as historic.
- V. The Planning and Zoning Commission and the City Council shall approve, approve with conditions, or deny the landmark or historic district designation based on the following criteria:
  - a. The property or district meets the eligibility requirements set forth in this section; and
  - b. The owner(s) consents to the designation or inclusion; or
  - c. If the owner does not consent, the designation or inclusion of the owner's property is approved by a three-fourths vote of the Planning and Zoning Commission and the City Council as permitted by the TLGC §211.0165; or
  - d. If the property is owned by an organization that qualifies as a religious organization under section 11.20 of the Texas Tax Code, the City may designate the property as a local landmark or include the property in a local historic district only if the organization consents to the designation or inclusion.

- VI.** The property owner may withdraw consent to designation as a landmark or inclusion in a historic district at any time during the designation process.

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## D. Protest Procedures

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A proposed zoning action may be protested pursuant to Chapter 211 of the TLGC and the requirements below.

### 1. Submittal Requirements

- a. If the proposed change allows more residential development than the existing zoning or district boundary, and does not allow for more commercial or industrial uses unless those uses are limited to the first floor of any residential development and does not exceed 35% of the overall development, the following shall apply:
  - I. A signed written protest may be submitted by property owners of at least 60% of the area of the lots or land either covered by the proposed change or located immediately adjoining and extending 200 feet from the area covered by the proposed change.
  - II. A valid, written protest shall require an affirmative vote of a majority of all members of the City Council for approval of the protested zoning action.
- b. For all other proposed changes to a zoning regulation or district boundary, the following shall apply:
  - I. A signed written protest may be submitted by property owners of at least 20% of the area of the lots or land either covered by the proposed change or located immediately adjoining and extending 200 feet from the area covered by the proposed change.
  - II. A valid, written protest shall require an affirmative vote of at least three-fourths of all members of the City Council for approval of the protested zoning action.
- c. A written protest shall be submitted on a form provided by the City and shall contain the following information:
  - I. A description of the zoning case at issue;
  - II. Email and phone number of the protest petitioner(s);
  - III. The names and original signatures of all persons protesting the proposed zoning action; and
  - IV. A description or address of the area of lots or land owned by the protesting parties.
- d. The written protest form must be signed by the owner of the property, or by their authorized representative. The signature of any one owner of a property with multiple owners shall bind the entire property to the protest.
- e. In the case of a property owned by a corporation, the protest must be signed by the president, a vice-president, or by an attorney-in-fact authorized to sign the protest on behalf of the corporation. In the case of a property owned by a general or limited partnership, the protest must be signed by a general partner or by an attorney-in-fact authorized to sign the protest on behalf of the partnership.
- f. For condominium lots or land to be included in calculating the lots or land area protesting a zoning action, the written protest form must state that the governing body of the condominium has authorized a protest in accordance with procedures required by its bylaws, and that the person signing the protest is authorized to act on behalf of the governing body of the condominium. A written protest signed by the owner of an individual condominium unit shall not be accepted unless the filing party produces legal documents governing the condominium which clearly establish the right of an individual owner to act with respect to the owner's respective undivided interest in the common elements of the condominium.
- g. Except for those properties owned by corporations or jointly owned by multiple people as described in provisions d and e of this subsection, all signatures on a written protest form shall be notarized or witnessed. The notary requirement is fulfilled if the person who obtains the signatures signs a certification stating that:
  - I. They witnessed those signatures; and
  - II. The signatory represented their authority to sign the petition.

- h.** In all cases where a written protest form has been properly signed pursuant to this subsection, the City shall presume that the signatures are authentic and that the persons or officers whose signatures appear on the protest form are either owners of the property or authorized to sign on behalf of one or more owners as represented. The City Attorney may advise the City Council that this presumption of validity should not be followed in a specific case based on evidence presented.

**2. Filing Deadline**

- a.** A written protest must be filed with the City Secretary before 5:00 p.m. of the 4<sup>th</sup> working day prior to the City Council public hearing when the proposed zoning action is scheduled to be acted upon. For example, a written protest must be received by 5:00 p.m. on the Wednesday prior to a regularly scheduled Tuesday City Council meeting. A written protest form sent through the mail must be received by the City Secretary before the deadline.
- b.** Before the public hearing on the zoning action begins, the filing deadline for a protest is automatically extended whenever the public hearing is re-advertised in the official newspaper of the City pursuant to statutory notice requirements.
- c.** After the public hearing has begun, the filing deadline may only be extended by calling a subsequent public hearing and advertising that public hearing in the official newspaper of the City pursuant to statutory notice requirements or if the item is tabled or continued. In such a case, the new filing deadline is noon of the 2<sup>nd</sup> working day immediately preceding the newly advertised public hearing date or the date to which the item is tabled or continued. For example, the written protest must be received by 12:00 p.m. on the Friday prior to the newly scheduled Tuesday City Council meeting.

**3. Withdrawal of Protest Signature(s) or Protest Form(s)**

- a.** A protest, once filed, remains in effect unless withdrawn in accordance with this subsection, irrespective of any amendments made to the zoning proposal, although a reduction in the land area proposed to be zoned may impact the protest’s application. Requests to withdraw a protest form or individual protest signature(s) that have been filed must be in writing and filed with the City Secretary before the filing deadline.
- b.** The provisions of this subsection governing the form and filing of protests apply equally to withdrawals.

**4. Conflicting Submissions**

If multiple protests and withdrawals are filed on behalf of the same owner, the submission with the latest date and time of execution controls.

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## E. Plan and Permit Procedures

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### 1. Site Plan

#### a. Applicability

Prior to any new development, redevelopment, expansion, alteration, or changes in use on a property or lot, a Site Plan is required to ensure compliance with the development and design standards of this Code.

#### b. Exceptions

- I. Single-family, duplex, triplex, and quadplex residential developments do not require a Site Plan.
- II. A change in use that does not necessitate changes to site features or improvements required by this Code does not require a Site Plan.

#### c. Submittal Requirements

Site Plan applications shall be submitted and may be withdrawn in accordance with §203A, *Standard Procedures*, and shall include the following information:

- I. Application and submittal fee (see [Appendix A - Schedule of Fees](#));
- II. Site Plan Exhibit, including the following information:
  - a. The applicant's name, address, and phone number;
  - b. The development location (include subdivision, lot number, and/or street address);
  - c. A location map of the subject property indicating major roadways;
  - d. North indicator;
  - e. The proposed use(s);
  - f. The site plan case number;
  - g. The applicable zoning district or "PD" – Planned Development ordinance;
  - h. The lot area (net and gross) and boundary;
  - i. The location of all existing buildings or structures on the lot that are to remain subsequent to any proposed development;
  - j. The impervious area on the lot;
  - k. The building or structure size, height, and total floor area (separated by use);
  - l. The adjacent land uses and improvements within 200 feet of the subject property;
  - m. The location of hazardous chemical storage;
  - n. The sign locations;
  - o. A scale with the following dimensions: one inch equals 20 feet, 30 feet, or 40 feet, or as determined by the Director of Planning;
  - p. The location of any on-site accessory structures (kiosks, sanitation containers, drop boxes, etc.);
  - q. The location of any surface utility improvements (fire hydrants, water meters, vaults, etc.);
  - r. Any existing or proposed easements and rights-of-way;
  - s. Any existing or proposed floodplain area (FEMA and fully-developed);
  - t. The location and type of all existing and proposed screening, including screening of sanitation containers, parking areas, vehicles awaiting repair, open storage, etc.;
  - u. The required building setbacks;
  - v. The required landscape areas;
  - w. The following standard notations:

- i. The sanitation container screening walls shall be brick masonry, stone masonry, or other architectural masonry finish, including a metal gate, primed and painted, and the sanitation container screening walls, gate, and pad site shall be constructed in accordance with the city design specifications.
  - ii. Mechanical and heating and air conditioning equipment for non-residential and multi-family uses shall be screened from view from the public right-of-way and from adjacent residential properties.
  - iii. The lighting for the subject property shall be constructed and operated in conformance with Article 6: of the Unified Development Code.
  - x. Street improvements required by the Engineering Design Manual, including roadways, sidewalks, turn lanes, median openings, and their corresponding dimensions.
  - y. The drive approach dimensions and radii;
  - z. The delineation and width of internal circulation roadways;
  - aa. The distances between driveways and intersecting streets;
  - bb. The number of required parking spaces and number of parking spaces provided, including handicapped parking spaces;
  - cc. The parking dimensions;
  - dd. The stacking spaces and drive-through lane location;
  - ee. The location of curb stops relative to front of parking stall. (Note: Wheel stops are not permitted in lieu of curbs);
  - ff. The handicap ramps (required where all accessible routes intersect a curb);
  - gg. The building entrances;
  - hh. The sidewalk dimensions;
  - ii. The fire lanes meeting fire code standards;
  - jj. The location and dimension of delivery truck docks;
  - kk. The location and dimension of loading spaces;
  - ll. The location of bay doors;
  - mm. The location of freestanding lighting sources (ex: poles or bollards);
  - nn. The sanitation container locations;
  - oo. The medians, islands, barriers, and channelization;
  - pp. The width of adjacent streets, alleys, or other access abutting property;
  - qq. The length, width, and taper of turn bays; and
  - rr. The directional arrows for one-way traffic driveways.
  - ss. Airport Information: The following information shall be provided on the site or development plans, if requested by the Director of Planning:
    - i. The site elevation above sea level;
    - ii. The height of the proposed building or structure above sea level; and
    - iii. The latitude and longitude coordinates of the location of the maximum building or structure height in NAD 83 format.
  - tt. Any additional information as deemed necessary to adequately evaluate the Site Plan, as determined by the Director of Planning.
- III.** Landscape Plan, as a separate exhibit (see §203E.2);
- IV.** Utility Plans, including the following information (may be preliminary), as a separate exhibit:
- a. The existing and proposed water mains (include size and valve locations);
  - b. The water meter size and location (domestic and irrigation);

- c. The existing and proposed sewer mains (include size, manholes, and cleanout);
  - d. The sewer service size and location;
  - e. The existing and proposed utility easements (public or private) and its size;
  - f. The existing and proposed fire hydrants (including any nearby off-site hydrants);
  - g. The existing and proposed fire lines, fire department connections, and appurtenances;
  - h. The location and size of grease and sand traps, if required;
  - i. The location and size of sampling pits, if required; and
  - j. The location and type of pre-treatment, if required.
- V. Drainage Plans**, as a separate drawing from the Site Plan, and including the following information (may be preliminary):
- a. The existing and proposed contours at two-foot intervals, including existing and proposed spot elevations at critical points;
  - b. The direction of surface drainage (must be discharged into existing waterway or public right-of-way).
  - c. The drainage area map and drainage area calculations (if site is over one acre);
  - d. The on-site collection system, including existing and proposed pipes, culverts, stormwater detention areas, and other drainage structures;
  - e. The 100-year flood elevation and boundary including both FEMA and fully-developed conditions (if in flood prone area), and erosion hazard setback easement (if adjacent to an open drainage channel);
    - i. Where in or adjacent to a flood prone area, a flood study shall be approved or conditionally approved prior to site plan approval;
    - ii. Where adjacent to an open drainage channel, topographic cross-sections shall be provided to determine the erosion hazard setback easement.
- VI. Tree Preservation Plan** (if applicable) or Statement of No Trees;
- VII. Façade Plan** (if applicable);
- VIII.** If the proposal involves phases, each phase of the proposed development shall contain all of the required improvements that are necessary to provide adequate public facilities unless approved by a separate agreement; and
- IX.** Design Exception request (if applicable).
- d. Approval Required**  
Approval of a Site Plan shall be required prior to the submittal of any plats, construction plans, or permits for development, redevelopment, alteration, or change in use of a property.
- e. Approval Procedure**
- I.** The Director of Planning shall have the authority to approve or approve with conditions a Site Plan that complies with the regulations of this Code, unless the PD requires approval by another approval body.
  - II.** The Director of Planning shall not have the authority to disapprove a Site Plan and shall forward any application they cannot approve to the Planning and Zoning Commission for action.
  - III.** The Director of Planning shall forward any application that includes a request for Design Exception to the Planning and Zoning Commission for action at a public hearing.
  - IV.** Site Plans for City Government Facilities that do not strictly comply with the requirements of the code shall be forwarded to City Council for approval.
- f. Public Hearing and Notice Required**  
No public hearing is required for approval of a Site Plan unless a Variance or Design Exception is being requested. When a public hearing is required, public notice shall be provided in accordance with

§203A.4, Public Notice, prior to the public hearing. The following notice type is required for a Variance or Design Exception request:

I. Mailed Notice.

**g. Appeals**

Decisions of the Planning and Zoning Commission may be appealed in accordance with §203F.2, *Appeals to City Council*.

**h. Post-Approval Review**

In the event that changes to the approved Site Plan are proposed, the Director of Planning shall have the authority to require that a revised site plan be submitted to the City for review and approval.

**i. Expiration**

A Site Plan shall expire two years after its approval, if no permits for development or construction have been issued for the site, or if a permit has been issued but has subsequently lapsed.

**2. Landscape Plan**

**a. Applicability**

Prior to any new development, redevelopment, expansion, alteration, or changes in use on a property or lot that necessitates landscaping pursuant to this Code, a Landscape Plan is required.

**b. Exceptions**

- I. Single-family, duplex, triplex, and quadplex residential developments do not require a Landscape Plan.
- II. Changes in use that do not necessitate changes to site features or improvements required by this Code do not require a Landscape Plan.

**c. Submittal Requirements**

A Landscape Plan, conforming to the requirements below, shall be submitted and processed as part of a Site Plan pursuant to §203E.1, *Site Plan*.

**d. Landscape Plan Exhibit Requirements**

The Landscape Plan exhibit shall be prepared by a registered landscape architect and include the following information:

- I. The name, Texas license number, signature, and seal of the person responsible for the preparation of the Landscape Plan;
- II. A scale with the following dimensions: one inch equals 30 feet or as determined by the Director of Planning;
- III. The location, size, and species of all trees to be preserved;
- IV. The location of all plant and landscaping material to be used, including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), or other landscape features (except that location of plants and landscaping materials may be generalized on a conceptual landscape plan);
- V. The number of required trees and number of trees provided;
- VI. The species, size, spacing, and quantities of all plant material to be used in a tabular form (except that conceptual landscape plans may provide general plant types in lieu of species);
- VII. The dimensions of all landscape areas;
- VIII. The date of the landscape plan, including any revision dates;
- IX. The planting details percentage of total site in permanent landscaping;
- X. The percentage of street yard in permanent landscaping;
- XI. The location of freestanding lighting sources (ex: poles or bollards);
- XII. The location of all existing and planned intersection visibility easements; and

**XIII.**The location of all the following existing and planned utilities and easements shall be on the landscape plan:

- a. Water lines and meters or vaults;
- b. Sanitary sewer lines;
- c. Storm drainage lines;
- d. Powerlines (overhead and underground) and pad mount transformers;
- e. Gas lines;
- f. Fire hydrants, FDC, and fire lines from FDC to building; and
- g. Telecommunications (if available);

**XIV.**An affidavit on the plan stating that all required landscape areas shall be provided with an automatic underground irrigation system with rain and freeze sensors, and said irrigation system shall be designed by a qualified professional and installed by a licensed irrigator; and

**XV.** Any additional information as deemed necessary to adequately evaluate the Landscape Plan, as determined by the Director of Planning.

**e. Approval Required**

Approval of a Landscape Plan shall be required prior to the submittal of any plats, construction plans, or permits for development, redevelopment, alteration, or change in use of a property, subject to exceptions as noted in §203E.2.b of this Section.

**f. Approval Procedure**

A Landscape Plan shall be reviewed and approved as part of the Site Plan review process, as described in §203E.1.e, *Approval Procedure*.

**g. Public Hearing and Notice**

No public hearing is required for approval of a Landscape Plan unless a Variance or Design Exception is being requested. When a public hearing is required, public notice shall be provided in accordance with §203A.4, Public Notice, prior to the public hearing. The following notice types are required for Variance or Design Exception requests:

- I. Mailed Notice.

**h. Appeals**

Decisions of the Planning and Zoning Commission may be appealed in accordance with §203F.2, *Certain Appeals to City Council*.

**i. Expiration**

A Landscape Plan shall expire in same manner as the associated site plan with which it was approved.

**3. Reserved**

**4. Reserved**

**5. Façade Plan**

**a. Applicability**

A Façade Plan application shall be required concurrently with any required Site Plan for all new construction, expansions, or renovations within the Historically Significant Area (HSA). A Façade Plan is required to ensure compliance with the architectural standards of this Code.

**b. Exceptions**

Façade Plans are not required for single-family, duplex, triplex, and quadplex residential construction.

**c. Submittal Requirements**

Facade Plan applications shall be submitted and may be withdrawn in accordance with §203A, *Standard Procedures*, and shall include the following:

- I. Application and submittal fees (see [Appendix A – Schedule of Fees](#));
- II. Site Plan;

- III. Façade Plan exhibit, including the following information:
  - a. Title block including the contact information for the owner and architect, name of the project, address, and corresponding Site Plan case number;
  - b. Architectural elevations in color;
  - c. Table with the following information for each elevation:
    - i. Percentages of exterior finishing materials on each elevation, excluding windows, doors, and trims;
    - ii. Percentages of accent colors on each elevation, including moldings, cornices, canopies, and awnings;
  - d. Window details for each window type to demonstrate conformance with fenestration requirements; and
  - e. Exhibit showing screening of all rooftop equipment.

**d. Approval Required**

Approval of a Façade Plan shall be required prior to the submittal of construction plans for development, redevelopment, alteration, or renovations of property.

**e. Approval Procedure**

- I. The Director of Planning shall have the authority to approve or approve with conditions a Façade Plan that complies with the regulations of this Code.
- II. All Façade Plan applications that the Director of Planning cannot approve shall be forwarded to the Planning and Zoning Commission for action in accordance with the approval criteria below.
- III. The Director of Planning shall forward any application that includes a request for a Design Exception to the Planning and Zoning Commission for action at a public hearing.

**f. Approval Criteria**

- I. The extent to which the application meets the spirit and intent of this Code through the use of building materials, colors, and facade design to create a building of exceptional quality and appearance;
- II. The positive or negative impact of the proposed project on surrounding property use and property values, in comparison to the expected impact of a project, which could be built in conformance with standards of this Code;
- III. The extent to which the proposed project accomplishes City goals as stated in the Comprehensive Plan or other approved document; and
- IV. Convenience to the applicant and/or reasons related to economic hardship shall not be grounds for approval of an application.

**g. Public Hearing and Notice Required**

No public hearing is required for Façade Plan approval unless a Design Exception is being requested. When a public hearing is required, public notice shall be provided in accordance with §203A.4, Public Notice, prior to the public hearing. The following notice type is required for a Design Exception request:

- I. Mailed Notice.

**h. Appeals**

Decisions of the Planning and Zoning Commission may be appealed in accordance with §203F.2, *Certain Appeals to City Council*.

**i. Expiration**

A Façade Plan shall expire two years after its approval, if no building permits have been issued for the site, or if a Site Plan or building permit has been issued but has subsequently lapsed.

**6. Certificate of Appropriateness**

**a. For Commercial Areas within the Historic Overlay District**

**I. Applicability**

Prior to any work for new development, redevelopment, restoration, reconstruction, expansion, alteration, change of materials, relocation, or demolition on any property that is visible from the public right-of-way located within the Historic Overlay District, a Certificate of Appropriateness (COA) is required to ensure appropriateness in the Historic Overlay District.

**II. Submittal Requirements**

An application for a COA shall be processed in accordance with §203A, *Standard Procedures*. The following information is required:

- a. An application with the following:
  - i. The name, address, and telephone number of the applicant;
  - ii. The location of the property; and
  - iii. The priority rating of the property as indicated by the City's records.
- b. Photographs of the property and adjacent properties (historical photographs if available);
- c. A letter of intent describing in detail the work proposed;
- d. The elevation drawings or renderings of the proposed changes;
- e. Samples of materials to be used, if requested by the Historic Preservation Officer (HPO);
- f. If the proposal includes signs or lettering, a scale drawing shall be provided showing:
  - i. The type of lettering to be used;
  - ii. All dimensions and colors;
  - iii. Description of materials to be used;
  - iv. The method of illumination (if any); and
  - v. A plan showing the proposed location of the sign on the property; and
- g. Any other information which the HPO may deem necessary in order to visualize the proposed work.

**III. Approval Required**

An approval of a COA shall be required prior to commencement of any work or issuance of a building permit for those items identified in the applicability statement above, except as noted in §204Z.6.

**IV. Approval Procedure**

- a. All certificate of appropriateness applications for properties in the Commercial Area of the Historic Overlay District must be approved by the HPO. The HPO will have 10 business days after a completed application is received by the Planning Department to take action on a COA application or the HPO shall forward the application to the Historic Preservation Advisory Board for consideration and action within 30 days of the receipt of a complete application. The HPO may elect, for any reason, to present the COA to the Historic Preservation Advisory Board for approval.
- b. The HPO shall have the authority to approve, approve with conditions, or deny a COA in the commercial area of the Historic Overlay District within 10 days after the receipt of a complete application.
- c. All decisions of City Officials shall be in writing. A copy of the decision shall be sent to the applicant and kept on file in the Planning Department along with the COA. The decision shall state the reasons for modifying or denying any application.

**V. Approval Criteria**

Determination regarding the issuance of a COA is made according to the following criteria:

- a. Whether the proposed work complies with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.
- b. The HPO considers the property's preservation priority rating as assigned in the historic resources survey of the City, as amended.

**VI. Appeals within the Commercial Area**

**a. Appeals of a decision by the HPO**

- i. Within 10 days of receipt of a written COA decision from the HPO, any applicant or property owner aggrieved by that decision may file a written application requesting the City Council review the decision and the approval, approval with conditions, or denial of the COA.
- ii. The City Council shall consider any appeals at the next available City Council meeting following receipt of the applicant's appeal, at which time an opportunity will be provided for proponents and opponents of the application to represent their views.

**b. Hardship appeal procedure for demolition**

- i. Within 10 days of receiving a written notification from the HPO of a denial of a COA for demolition, an applicant may apply to the City Council for relief on the ground of hardship. No building permit or demolition permit shall be issued unless the city council makes a finding that a hardship exists.
- ii. The city council shall consider the request on the hardship application and whether the applicant has met the hardship criteria at the first available city council meeting following receipt of the applicant's appeal, at which time an opportunity will be provided for proponents and opponents of the application to present their views.
- iii. Hardship criteria. In order to prove the existence of a hardship, the applicant shall establish that all three of the following criteria have been met:
  - a. The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
  - b. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
  - c. Efforts to find a purchaser interested in acquiring the property and preserving it have failed.
- iv. The applicant shall consult in good faith with the HPO, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in the preservation of the property.
- v. A copy of the city council's decision shall be sent to the applicant and a copy filed with the planning department for public inspection. The city council's decision shall state the reasons for granting or denying the hardship application.

**b. For Residential Areas within the Historic Overlay District**

**I. Applicability**

Prior to any work for new development, redevelopment, restoration, reconstruction, expansion, alteration, change of materials, relocation, or demolition of any exterior architectural feature, building, or structure on any property that is visible from the public right-of-way located within the Residential Area of the Historic Overlay District, a COA is required to ensure compliance with the regulations of the Historic Overlay District.

**II. Submittal Requirements**

An application for a COA shall be processed in accordance with §203A, *Standard Procedures*. The following information is required:

- a. An application with the following:

- i. The name, address, and telephone number of the applicant;
- ii. The location of the property;
- iii. The priority rating of the property as indicated by the City's records.
- b. Photographs of the property and adjacent properties (historical photographs if available);
- c. A letter of intent describing in detail the work proposed;
- d. The elevation drawings or renderings of the proposed changes;
- e. Samples of materials to be used, if requested by the HPO;
- f. If the proposal includes signs or lettering, a scale drawing shall be provided showing:
  - i. The type of lettering to be used;
  - ii. All dimensions and colors;
  - iii. Description of materials to be used;
  - iv. The method of illumination (if any); and
  - v. A plan showing the proposed location of the sign on the property; and
- g. Any other information, which the HPO may deem necessary in order to visualize the proposed work.

### III. Approval Required

An approval of a COA shall be required prior to commencement of any work or issuance of a building permit for those items identified in the applicability statement above, except as noted in §204Z.6.

### IV. Approval Procedure

- a. For all Certificate of Appropriateness applications for any property in the Residential Area of the Historic Overlay district, the HPO shall have the authority to approve or approve with conditions any COA or shall forward the application to the Historic Preservation Advisory Board for consideration and action within 30 days of the receipt of a complete application. The HPO may elect, for any reason, to present the COA to the Historic Preservation Advisory Board for approval.
- b. The HPO shall not have the authority to deny a COA application located with the Residential Area of the Historic Overlay District. Should the HPO not be able to approve or approve with conditions a COA, they will forward that application to the Historic Preservation Advisory Board for consideration and action.
- c. When approving a COA for Demolition, the HPO may approve or approve with a 90-day delay in the Residential Area of the Historic Overlay District.
  - i. If the applicant disagrees with the 90-day delay, the applicant may request in writing to the Director of Planning, within 21 days of HPO action, that the demolition application be reconsidered by the Historic Preservation Advisory Board.
  - ii. If demolition has been delayed for 90 days by the HPO, a demolition permit shall not be issued during those 90 days unless the Chief Building Official determines that the property poses a threat to the life and safety of the citizens of the City.
  - iii. In the event that the HPO does not act within 90 days of the receipt of the application, a permit for demolition may be granted.
- d. Certificates of Appropriateness shall be considered for action in accordance with the approval criteria in this section.
- e. An applicant, within 21 days, may appeal a decision of the HPO or Historic Preservation Advisory Board in accordance with the appeal procedures in this section.
- f. An applicant, within 10 days of receiving written notification of a denial of a COA, may appeal the decision based on a hardship for a deviation or demolition in accordance with the hardship procedures below.

- g. All decisions of City Officials shall be in writing. A copy of the decision shall be sent to the applicant and kept on file in the Planning Department along with the COA. The decision shall state the reasons for modifying or denying any application.

**V. Approval Criteria**

The following criteria will be used to provide a balanced review when considering a COA application:

- a. Whether the proposed work complies with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.
- b. The HPO considers the property's preservation priority rating as assigned in the historic resources survey of the City, as amended.
- c. The HPO shall utilize a checklist of design elements to be reviewed and considered in reaching their determination. Such checklist shall be initially approved by the City Council and thereafter modified by the Director of Planning, or the City Council as deemed necessary.

**VI. Hardship Procedure**

- a. Within 10 days of written notification of a denial of a COA by the Historic Preservation Advisory Board, an applicant may apply for relief on the grounds of a hardship. A hardship may be for a deviation from the approval criteria above or for a demolition. The applicant must prove by a preponderance of evidence that a hardship exists in accordance with the factors below. No building permit or demolition permit shall be issued unless a finding that a hardship exists has been made.
- b. The Historic Preservation Advisory Board shall hold a public hearing where proponent and opponents will have the opportunity to present their views.
- c. The Historic Preservation Advisory Board and the HPO, in consultation with local preservation groups and other interested parties, shall explore with the applicant, or his designated representative, alternative for the performance of the proposed work that will preserve the structure or property to the greatest extent possible, while being economically feasible.
- d. The HPAB will consider and act on Hardship applications based on the following:

**i. Consideration Factors for Deviations**

The following factors shall be considered by the Historic Preservation Advisory Board in determining the extent of the deviation granted:

- a. The cost to perform the work in compliance with the criteria and design guidelines;
- b. The value of the property;
- c. The extent to which a deviation is necessary to allow the owner a reasonable opportunity to recover the cost of the work;
- d. Whether granting the deviation will harm an existing or proposed historic district or historic landmark, structure, or property designated with a high priority rating; and/or
- e. Whether the proposed work is in harmony with the intent and purposes of this section.

**ii. Consideration Factors for Demolition**

The applicant must prove by a preponderance of evidence that:

- a. The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
- b. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return;
- c. Efforts to find a purchaser interested in acquiring the property and preserving it have failed; and/or
- d. The structure or property is in such a condition as to be irreparably damaged, not as a result of negligence, and, as such, poses a nuisance to the surrounding area and is a threat to the health, safety and general welfare of the community.
- e. The Historic Preservation Advisory Board shall have the authority to:

- i. Approve the hardship application for a deviation and issue a COA for the required work with or without conditions, if the applicant would have no reasonable opportunity to recover the cost of the proposed work if performed in accordance with the criteria and guidelines.
  - ii. Approve the hardship application for demolition and issue a COA if the applicant has met all of consideration factors and proven that a hardship exists.
  - iii. Deny the hardship application and COA if the Historic Preservation Advisory Board finds that the applicant has failed to satisfy this burden of proof.
- f. All decisions of City Officials shall be in writing. A copy of the decision shall be sent to the applicant and kept on file in the Planning Department along with the hardship application. The decision shall state the reasons for granting or denying the hardship application. If granted, the COA for the proposed work shall state the terms and conditions of the deviation.
- g. The hardship determination may be appealed in accordance with subsection VII of this section.

**VII. Appeals**

- a. Appeals of a decision by the HPO. Within 21 days of receipt of a COA decision from the HPO, any applicant or property owner aggrieved by that decision may file a written request to the Director of Planning appealing the HPO's decision to the Historic Preservation Advisory Board for consideration and action.
- b. Appeals of a decision by the Historic Preservation Advisory Board. Within 21 days of receipt of the Board's written decision, any applicant or property owner aggrieved by a decision of the Historic Preservation Advisory Board relating to economic hardship, demolition, or a COA may, file a written request to the Director of Planning appealing the Board's decision to the City Council for review of the decision and the approval, denial, modification of, or deviation from, the Board's decision. The appeal application shall be set before the City Council at the first available City Council meeting. Refer to §203F.2, *Certain Appeals to City Council*, for further information on the procedure.

**VIII. Expiration**

- a. A COA shall expire one year after its approval, if no building permits have been issued for the site, or if a Site Plan or building permit has been issued but has subsequently lapsed.

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## F. Appeal Procedures

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### 1. Administrative Appeal

Decisions made by an Administrative Official of the City in the administration of this Code may be appealed to the Board of Adjustment. The Director of Engineering's application and enforcement of the Engineering Design Manual may not be appealed.

#### a. Applicability

Appeals of an Administrative Official's decision may be taken to the Board of Adjustment for review and decision.

- I. An appeal of an Administrative Official's determination that is not related to a specific application, address, or project may be filed by a person aggrieved by the decision, or any officer, department, board, or bureau of the City affected by the decision.
- II. An appeal of an Administrative Official's determination that is related to a specific application, address, or project may be filed by the person who filed the application that is the subject of the decision, the owner or representative of the owner of the property that is the subject of the decision, or any person aggrieved by the decision and is the owner of real property within 200 feet of the property that is the subject of the decision, or by any officer, department, board, or bureau of the City affected by the decision. The Board in exercising its authority shall have the same authority as the Administrative Official and department from whose decision the appeal is taken. The Board may reverse or affirm in whole or in part, or may modify the order, requirement, decision, or determination from which the appeal is taken.

#### b. Submittal Requirements

Board of Adjustment application, specifying the grounds for the appeal.

#### c. Public Hearing and Notice Required

The appeal shall be scheduled for a public hearing before the Board of Adjustment. Mailed notice shall be provided to property owners within a 200-foot radius of the subject property and due notice shall be provided to the parties in interest.

#### d. Procedure

Appeals of administrative decisions shall be considered in accordance with the following procedure, and TLGC §211.009 and §211.010.

- I. Within 20 days of the original decision that the appellant wishes to appeal, the appellant must file an application with the City specifying the grounds for the appeal. The application shall be filed with the Board and the Administrative Official from whom the appeal is taken.
- II. On receiving notice of the appeal, the Administrative Official from whom the appeal is taken shall immediately transmit to the Board all the papers constituting the record of the action that is being appealed.
- III. An appeal stays all proceedings, construction activities of any kind, and any and all other work in furtherance of the action that is appealed. If the appeal is taken from an Administrative Official's decision, the Administrative Official may certify in writing to the Board facts supporting the Administrative Official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the Board or a court of record on application, after notice to the Administrative Official, if due cause is shown by the appellant.
- IV. A party may appear at the appeal hearing in person or by agent or attorney. The Administrative Official and the appellant may each provide a legal brief to the Board in support of their respective argument(s). If a brief is first provided at the hearing, the Board may recess to review the brief before conducting the hearing.
- V. The Board shall decide the appeal at the next meeting for which notice can be provided following the hearing and not later than the 60<sup>th</sup> day after the date the appeal is filed.

VI. The concurring vote of seventy-five percent (75%) or more of the members of the Board of Adjustment is necessary to reverse an order, requirement, decision, or determination of an Administrative Official. Any appeal not approved by the concurring vote of seventy-five percent (75%) or more of the members of the Board of Adjustment shall be considered denied.

**e. Approval Criteria**

The Board of Adjustment shall base their decision on the specific standards and approval criteria applicable to the original decision being appealed.

**f. Appeals**

The decision of the Board of Adjustment shall be final. Any further appeals shall be made to the state courts of Collin County, Texas in accordance with state law.

**2. Certain Appeals to City Council**

An applicant or the Director of Planning may appeal an action to the City Council in accordance with the following procedure.

**a. Applicability**

The following official actions may be appealed directly to City Council:

- I. Planning and Zoning Commission decisions;
- II. Director of Planning decisions regarding specimen tree removal; or
- III. Historic Preservation Advisory Board decisions.

**b. Submittal Requirements**

- I. Letter describing grounds for appeal; and
- II. All related documents.

**c. Public Hearing and Notice Required**

- I. An appeal of a Site Plan that includes a Design Exception or a Variance shall require a public hearing and Mailed Notice shall be provided in accordance with §203A.4, Public Notice.
- II. All other appeals of Planning and Zoning Commission decisions shall follow the notice requirements of the original application from which the appeal was taken.

**d. Procedure**

- I. Within seven calendar days of an official action sought to be appealed, the applicant or the Director of Planning may appeal the decision to the City Council.
  - a. The appellant shall provide a written request of intent to appeal to the Director of Planning within seven calendar days of the official action; or
  - b. The Director of Planning shall provide written notification of the appeal to the applicant within seven calendar days of the official action.
  - c. If no appeal is requested within seven calendar days of the official action, the action shall be deemed final and no further appeals may be requested.
  - d. Exception: For all appeals of Historic Preservation Advisory Board actions, the deadlines specified above in provisions a through c of this subsection shall be 21 calendar days.
- II. The official action being appealed to the City Council shall be automatically stayed until the City Council rules upon the appeal. No building or development permit shall be issued for any parcel or structure that is the subject of an official action which has been appealed to the City Council until a decision on the appeal is rendered by the City Council.
- III. The applicant and the Director of Planning shall be provided at least 21 calendar days' notice of the City Council meeting at which the appeal will be considered, unless such notice is waived in writing by both the applicant and the Director of Planning.
- IV. The Director of Planning shall provide all documents relevant to the official action being appealed to the City Council, including meeting minutes and documents presented at any hearing(s) or

- meeting(s). The Director of Planning shall provide a copy of these materials to the applicant at the time they are submitted for inclusion in the City Council agenda packet.
- V.** The applicant and the Director of Planning may submit additional materials to be considered by the City Council at least seven calendar days prior to the scheduled hearing date. The applicant and the Director of Planning shall simultaneously provide copies of such additional materials to each other upon submittal under this subsection.
  - VI.** The City Council may reverse or affirm, wholly or partly, or modify the original action.
- e. Approval Criteria**  
The City Council shall base their decision on the specific standards and approval criteria applicable to the original decision being appealed.
- f. Appeals**  
The decision of the City Council shall be final. Any further appeals shall be made to the courts of Collin County, Texas in accordance with state law.

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## G. Flexibility and Relief Procedures

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### 1. Design Exception

A Design Exception may be approved by the Planning and Zoning Commission to allow deviations from specific standards in this Code arising out of a Site Plan review.

#### a. Applicability

- I. A Design Exception may be requested only for those standards that are specifically identified in this Code.
- II. Each Design Exception request shall be reviewed on its own merits. Approval or disapproval of a Design Exception in one instance shall not be interpreted to set a precedent for future requests of the same or similar Design Exception.
- III. Approval of a Design Exception shall apply only to the property associated with the Design Exception request and shall not be transferable to any other property.
- IV. When changes to an approved Site Plan or land use are proposed, the Director of Planning may determine that a previously approved Design Exception(s) associated with that Site Plan or land use may no longer be appropriate.
- V. If a property zoned PD – Planned Development District or with a Specific Use Permit (SUP) includes a specific standard that differs from the requirements of the Zoning Regulations, a Design Exception shall not be permitted to alter from that specific standard.

#### b. Submittal Requirements

Design Exceptions may be considered as part of a Site Plan and shall be submitted, accepted, and revised, and may be withdrawn in accordance with §203A, *Standard Procedures*, and §203E.1, *Site Plan*.

#### c. Public Notice Required

Design Exceptions shall be scheduled for a public hearing for the Planning and Zoning Commission to take action and noticed in accordance with §203A.4, Public Notice. The following notice type(s) are required for Design Exceptions:

- I. Mailed Notice.

#### d. Approval Procedure

The Planning and Zoning Commission shall take action on a Design Exception pursuant to the approval criteria below.

#### e. Approval Criteria

The Planning and Zoning Commission may approve a request for a Design Exception if they find that:

- I. There is a compelling reason why the existing standard cannot be satisfied;
- II. The Design Exception will not have an adverse impact on adjacent existing or future developments;
- III. The Design Exception will not have an adverse impact on the public health, safety, and general welfare;
- IV. The Design Exception is not proposed to reduce financial costs or serve as a convenience to the applicant; and
- V. The Design Exception complies with all additional standards outlined in the specific section from which the Design Exception originates.

#### f. Appeals

- I. The Planning and Zoning Commission's action on a Design Exception may be appealed to the City Council by the applicant or Director of Planning if:
  - a. The applicant provides a written request to the Director of Planning within 7 calendar days of the Planning and Zoning Commission's action; or
  - b. The Director of Planning provides written notification of the appeal to the applicant within 7 calendar days of the Planning and Zoning Commission's action.

- II. If no appeal is requested within 7 calendar days of the Planning and Zoning Commission's action, the Commission's action shall be deemed final and no appeal may be requested.
- III. If appealed, the City Council shall hold a public hearing on the Design Exception pursuant to §203F.2, *Appeals to City Council*.
- IV. The City Council may reverse or affirm, in whole or part, or modify the Planning and Zoning Commission's action to render the determination the City Council believes correct. The City Council has final approval authority regarding the Site Plans and its decision regarding an appeal of the Planning and Zoning Commission's action regarding a Design Exception shall in all things be final.

## 2. Special Exception

Through the Special Exception procedure, the Board of Adjustment may evaluate certain adjustments and modifications to the standards in this Code based on necessity or unusual circumstances.

### a. Applicability

Special Exceptions may be used to:

- I. Permit a public utility or public service building or structure in any district, or a public utility or public service building of a ground area and of a height otherwise in conflict with the standards provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare;
- II. Permit the extension of a use, height, and/or area regulation into an adjoining zoning district, where the boundary line of the zoning district divides a lot in a single ownership on the effective date of the ordinance from which this section is derived;
- III. Permit the reconstruction of a legal nonconforming building that has been damaged by explosion, fire, the elements, the public enemy, or any other cause, to the extent of more than 50 percent of its fair market value, where the Board finds some compelling necessity requiring a continuance of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly;
- IV. Permit the erection and use of a building or the use of premises for railroads if such uses are in general conformance with the Comprehensive Plan and present no conflict or nuisance to adjacent properties; and
- V. A Special Exception may also be granted for certain fences or portions of a fence that meet all of the requirements set out in Article 7: Fences. A hardship for fences may be found regardless of when the unusual condition was created.

### b. Exceptions

The Special Exception procedure may not be used to award special privilege or convenience to an applicant.

### c. Submittal Requirements

Applications shall be submitted, accepted, and revised, and may be withdrawn in accordance with §203A, *Standard Procedures*, and shall include the following:

- I. Board of Adjustment application, including the written authorization from the owner of the property on which the Special Exception is sought;
- II. Existing plot/Site Plan or survey drawn to scale of the subject property;
- III. Proposed plot/Site Plan or survey drawn to scale of proposed project for which Special Exception is sought;
- IV. Elevation renderings of proposed Special Exception request; and
- V. Aerial map of properties adjacent to the subject property.

### d. Public Hearing and Notice Required

The Special Exception application shall be scheduled for a public hearing before the Board of Adjustment to take action and notice shall be provided in accordance with §203A.4, Public Notice. The following notice type(s) are required for Special Exceptions:

- I. Mailed Notice; and
- II. Published Notice.

**e. Approval Procedure**

- I. Board of Adjustment Action
  - a. The Board of Adjustment shall review and approve or disapprove the Special Exception in accordance with the approval criteria in subsection f. of this section.
  - b. A concurring vote of seventy-five percent (75%) or more members of the Board of Adjustment shall be required to approve a Special Exception request. Any request for a Special Exception that is not approved by affirmative vote of seventy-five percent (75%) or more members of the Board of Adjustment shall be considered denied.
  - c. The Board of Adjustment shall decide the request no later than the 60<sup>th</sup> day after the public hearing at which the Board heard the request.
  - d. The Building Official shall provide a written notification of the Board of Adjustment’s decision to the applicant.

**f. Approval Criteria**

The Board of Adjustment may approve a Special Exception if they find the request:

- I. Is not contrary to the public interest or otherwise injurious to adjacent property owners;
- II. Is the minimum modification necessary to gain the relief requested; and
- III. Is not solely for the purpose of mitigating a financial hardship.

**g. Appeals**

The decision of the Board of Adjustment shall be final. Any further appeals shall be made to the state courts of Collin County, Texas in accordance with state law.

**h. Expiration**

If the property owner has not shown progress toward completion associated with the required permits to carry out the approved Special Exception within two years of approval, the Special Exception shall automatically expire.

**3. Variance**

A Variance may be approved by the Board of Adjustment to provide relief from the strict application of the zoning provisions of this Code where literal enforcement of the requirements of this Code will result in unnecessary hardship and where the Variance is necessary to develop a parcel of land that cannot otherwise be developed due to unique conditions on the property.

**a. Applicability**

The Variance procedure may be used to:

- I. Permit a Variance to requirements of any district where there are unusual and practical difficulties or unnecessary hardships due to an irregular shape of the lot or topographical or other conditions; and
- II. Authorize Variances from the strict application of this Code that are in harmony with its general purpose and intent, provided such Variance will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty, while at the same time, the surrounding properties will be properly protected.

**b. Submittal Requirements**

Applications shall be submitted, accepted, and revised, and may be withdrawn in accordance with §203A, *Standard Procedures*, and shall include the following:

- I. Board of Adjustment application, including the written authorization from the owner of the property on which the Variance is sought;
- II. Existing plot/Site Plan or survey drawn to scale of the subject property;

- III. Proposed plot/Site Plan or survey drawn to scale of proposed project for which Special Exception is sought;
- IV. Aerial map of properties adjacent to the subject property; and
- V. Any other supporting documentation.

**c. Public Hearing and Notice Required**

The Variance application shall be scheduled for a public hearing before the Board of Adjustment to take action and notice shall be provided in accordance with §203A.4, Public Notice. The following notice type(s) are required for Variance requests:

- I. Mailed Notice; and
- II. Published Notice.

**d. Approval Procedure**

This procedure is established to comply with TLGC, §§211.008 and 211.009.

- I. The Board of Adjustment shall review and approve or disapprove the Variance in accordance with the approval criteria in subsection d. of this section.
- II. A concurring vote of seventy-five percent (75%) or more members of the Board of Adjustment shall be required to approve a Variance request. Any request for a Variance that is not approved by affirmative vote of seventy-five percent (75%) or more members of the Board of Adjustment shall be considered denied.
- III. The Board of Adjustment shall decide the request no later than the 60<sup>th</sup> day after the public hearing at which the Board heard the request.
- IV. The Building Official shall provide a written notification of the Board of Adjustment's decision to the applicant.

**e. Approval Criteria**

The Board of Adjustment may approve a Variance from the requirements of the Zoning regulations of this Code where such request:

- I. Is not contrary to the public interest;
- II. Is the minimum Variance necessary to gain the relief requested;
- III. Is not solely for the purpose of mitigating a financial hardship;
- IV. Is not the direct result from actions by the property owner; and
- V. Due to special conditions, a literal enforcement of the Code would result in unnecessary hardship, and so that the spirit of the Code is observed and substantial justice is done.
- VI. When the Variance requested involves an existing structure the Board of Adjustment may also consider the following criteria as grounds to determine where compliance with the Zoning Regulations of this Code would result in unnecessary hardship:
  - a. The financial cost of compliance is greater than fifty percent of the appraised value of the structure as shown on the most recent tax roll accepted by the City;
  - b. Compliance would result in a loss to the lot on which the structure is located of at least twenty-five percent of the area on which development may physically occur;
  - c. Compliance would result in the structure not being in compliance with a requirement of the McKinney Code;
  - d. Compliance would result in the unreasonable encroachment on an adjacent property or easement; or
  - e. The City will consider the structure to be nonconforming.

**f. Approval Non-Transferable**

An approved Variance shall only apply to the property or structure associated with the Variance and shall not be transferable to any other property or structure.

**g. Appeals**

The decision of the Board of Adjustment shall be final. Any further appeals shall be made to the courts of Collin County, Texas in accordance with state law.

**h. Expiration**

If the property owner has not shown progress toward completion associated with the required permits to carry out the approved Variance within two years of the Variance approval, the Variance shall automatically expire.

## 204 Zoning Districts

### A. Purpose

This section identifies the zoning districts permitted in McKinney and establishes standards that apply within each individual zoning district. The illustrations contained in this section are intended to serve as a visual representation of how the associated standards could be satisfied and not how they must be satisfied.

### B. Zoning Districts, Generally

#### 1. Zoning Districts Established

The following zoning districts are established as shown in Table 2-1. These districts are established by the City's adoption of the official Zoning District Map pursuant to §204C, *Zoning District Map*.

Table 2-1: Zoning Districts Established	
Base Zoning Districts	Section
<b>Residential Districts</b>	
R43 Residential Estate	204D
R12 Residential	204E
R8 Residential	204F
R6 Residential	204G
R5 Residential	204H
R3 Residential	204I
TR1.8 Townhome Residential	204J
MR Mixed Residential	204K
MF36 Multi-Family Residential	204L
MHR Manufactured Home Residential	204M
<b>Non-Residential Districts</b>	
C1 Neighborhood Commercial	204N
C2 Local Commercial	204O
C3 Regional Commercial	204P
O1 Office	204Q
O2 Regional Office	204R
AG Agricultural	204V
AP Airport	204W
<b>Industrial Districts</b>	
I1 Light Industrial	204S
I2 Heavy Industrial	204T
<b>Other Districts</b>	
GC Government Complex	204U
MTC McKinney Town Center	204Y
PD Planned Development	204V
<b>Overlay Zoning Districts</b>	
H Historic Overlay	204Z
HC Highway Commercial Overlay	204AA
TMN Traditional McKinney Neighborhood Overlay	204BB

**2. Conflicting Zoning Requirements**

- a. For each base zoning district, an illustration is included that depicts how the district’s lot and building standards apply to lots and typical building forms. Illustrations are intended to exemplify the general character of the district and do not show specific locations or buildings. Illustrations do not necessarily reflect all the requirements that may apply to a particular development. If a requirement shown in an illustration is inconsistent with the respective table of lot and building requirements or other text in this Code, the standards in the table and text of this Code shall govern.
- b. If any overlay zoning district requirement conflicts with any other regulation in this Code, the requirements of the overlay district shall apply regardless of whether they are more or less restrictive than the base zoning district, except as noted in the Highway Commercial Overlay district.

**3. Zoning District Correspondence**

The UDC does not rezone property within the corporate limits of the City from the zoning existing on the property at the time the UDC was adopted. Rather, the textural requirements of the previously existing zoning districts (“Prior Zoning Districts”) are amended, generally to less restrictive conditions, and the Prior Zoning Districts consolidated with other Prior Zoning Districts that allowed similar uses and then collectively renamed to the new zoning districts identified in Table 2-2 below, in an effort to simplify and unify the use regulations for similar uses. Table 2-2: Current and Prior Zoning District Correspondence shows how the zoning districts that existed prior to this ordinance correspond with the current zoning district requirements. On the effective date of this Article, any property with a previous zoning district, as shown in the left column, shall develop in accordance with the new use regulations and development standards of the corresponding zoning district in the right column.

<b>Table 2-2: Current and Prior Zoning District Correspondence</b>	
<b>Prior Zoning Districts</b>	<b>Corresponding District Standards and Use Regulations</b>
<b>Residential Districts</b>	
RED-1 - Residential Estate RED-2 - Residential Estate	R43 - Residential Estate
SF12 - Single Family Residential RS 120 - Single Family Residence	R12 - Residential
SF10 - Single Family Residential SF8 - Single Family Residential RS 84 - Single Family Residence	R8 - Residential
SF7.2 - Single Family Residential RS 72 - Single Family Residence RS 60 - Single Family Residence	R6 - Residential
SF5 - Single Family Residential	R5 - Residential
N/A	R3 - Residential
TH - Townhome Residential RS 45 - Single Family Residence RD 30 - Duplex Residential DR - Duplex Residential RG 27 - General Residence Townhome	TR1.8 - Townhome Residential
RG 25 - General Residence District RG15 [18] - General Residence District	MR - Mixed Residential
MF-1 - Multiple Family Residential-Low Density MF-2 - Multiple Family Residential-Medium Density MF-3 - Multiple Family Residential-Medium-High Density MF30 - Multi-Family Residential	MF36 - Multi-Family Residential
MP - Mobile Home Park	MHR - Manufactured Home Residential
<b>Non-Residential Districts</b>	
C1 - Neighborhood Commercial NC - Neighborhood Convenience BN - Neighborhood Business	C1 - Neighborhood Commercial

<b>Table 2-2: Current and Prior Zoning District Correspondence</b>	
<b>Prior Zoning Districts</b>	<b>Corresponding District Standards and Use Regulations</b>
C2 - Local Commercial BG - General Business	C2 - Local Commercial
C3 - Regional Commercial C - Planned Center BC - Commercial Business	C3 - Regional Commercial
O - Office O1 - Neighborhood Office SO - Suburban Office	O1 - Office
RO - Regional Office	O2 - Regional Office
AG - Agricultural	AG - Agriculture
AP - Airport	AP - Airport
<b>Industrial Districts</b>	
LI - Light Industrial ML - Light Manufacturing	I1 - Light Industrial
HI - Heavy Industrial MH - Heavy Manufacturing	I2 - Heavy Industrial
<b>Other Districts</b>	
GC - Government Complex	GC - Government Complex
PD - Planned Development	PD - Planned Development
MTC - McKinney Town Center	MTC - McKinney Town Center
<b>Overlay Zoning Districts</b>	
HPO - Historic Preservation Overlay CHD - Commercial Historic District	H - Historic Overlay
CC - Corridor Commercial Overlay	HC - Highway Commercial Overlay
TMN - Traditional McKinney Neighborhood Overlay	TMN - Traditional McKinney Neighborhood Overlay

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## C. Zoning District Map

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### 1. Zoning District Map

The location and boundaries of the zoning districts established by this Code are shown in the Official Zoning Map, which has been adopted by the City Council and is incorporated as part of this Code. The Official Zoning Map is maintained by the City Planning Department.

### 2. Zoning District Boundaries

#### a. Boundary Clarification

- I. In cases when the Official Zoning Map does not reflect recent changes, boundaries shall be determined by the Director of Planning.
- II. If there is uncertainty about the location of a zoning district boundary or other feature shown on the Official Zoning Map, a determination shall be made by the Director of Planning.
- III. Any person challenging the accuracy of zoning district boundaries on the Official Zoning Map bears the burden of providing proof of the inaccuracy, to include the ordinances that were omitted or inaccurately recorded in amending the map, to demonstrate the inaccuracy of the updated copy.

#### b. Interpretation

The zoning district boundaries on the Official Zoning Map shall be interpreted as follows:

- I. Where district boundaries are indicated as approximately following, parallel to, or perpendicular to any of the following lines or features, such lines and features shall be construed as said boundaries:
  - a. The centerlines of streets or highways, street lines or highway right-of-way lines;
  - b. Lot lines, drainage course(s), or other prominent physical features.
- II. Whenever any street, alley, or other public way is vacated by official action of the City Council, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the centerline of the vacated area and all area included in the vacation shall then and henceforth be subject to all regulations of the extended districts. When only one side of a street, alley, or other public way is vacated, the zoning district adjoining that side of such street, alley, or public way shall be automatically extended to the limit of the vacated area and all area included in the vacation shall then and henceforth be subject to all regulations of the extended districts.
- III. If no distance is given, such dimension shall be determined using the scale of said zoning map.
- IV. If on unsubdivided property, the district boundary lines on the zoning map shall be determined by use of the scale appearing on the map.
- V. Where the streets or alleys on the ground differ from the streets or alleys as shown on the zoning map, the streets or alleys on the ground shall control, except when streets or alleys have been relocated or realigned.

#### c. Amendments

Changes in the boundaries of any zoning district require an amendment to the Official Zoning Map per §203C.2, *Zoning Change*.

**D. R43 – Residential Estate**

**1. Purpose**

The purpose of the R43 zoning district is to accommodate large-lot residential development of single-family homes on lots of at least one acre (43,560 square feet), creating neighborhoods of a rural character. This district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Rural Living, Estate Residential, and Suburban Living.

**2. Standards**

Table 2-3: R43 Dimensional Standards		
Lot Dimensions (minimum)		
A	Lot area (sq ft)	43,560
B	Lot width (ft)	150
C	Lot depth (ft)	150
Building Setbacks (minimum)		
D	Front (ft)	35
E	Rear (ft)	35
F	Side interior (ft)	20
	Side corner lot (ft)	35
Height (maximum)		
	Height (ft)	45

Other Key Standards	
Special Setback Requirements & Encroachments for Residential Lots	\$204DD
Height Measurements and Exceptions	\$204EE
Table of Uses	\$205B
Use Definitions and Use-Specific Standards	\$205C
Landscaping	\$206A
Screening	\$206C
Vehicle Parking and Loading	\$206E

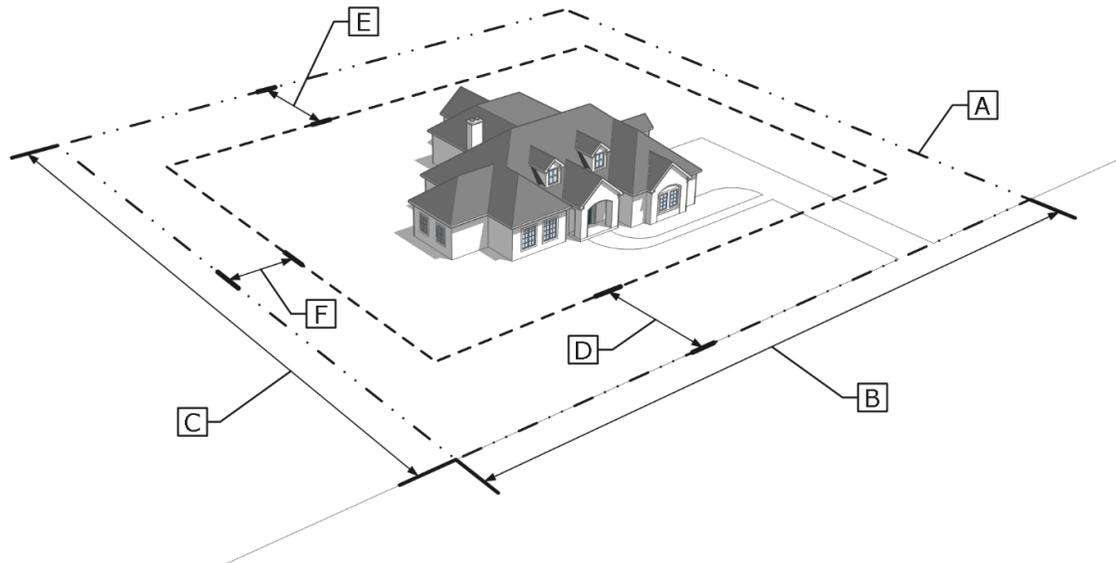


Figure 2-1: R43 District Dimensional Standards

**E. R12 – Residential**

**1. Purpose**

The purpose of the R12 zoning district is to accommodate low density, suburban-style, single-family residential development. This district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Estate Residential and Suburban Living.

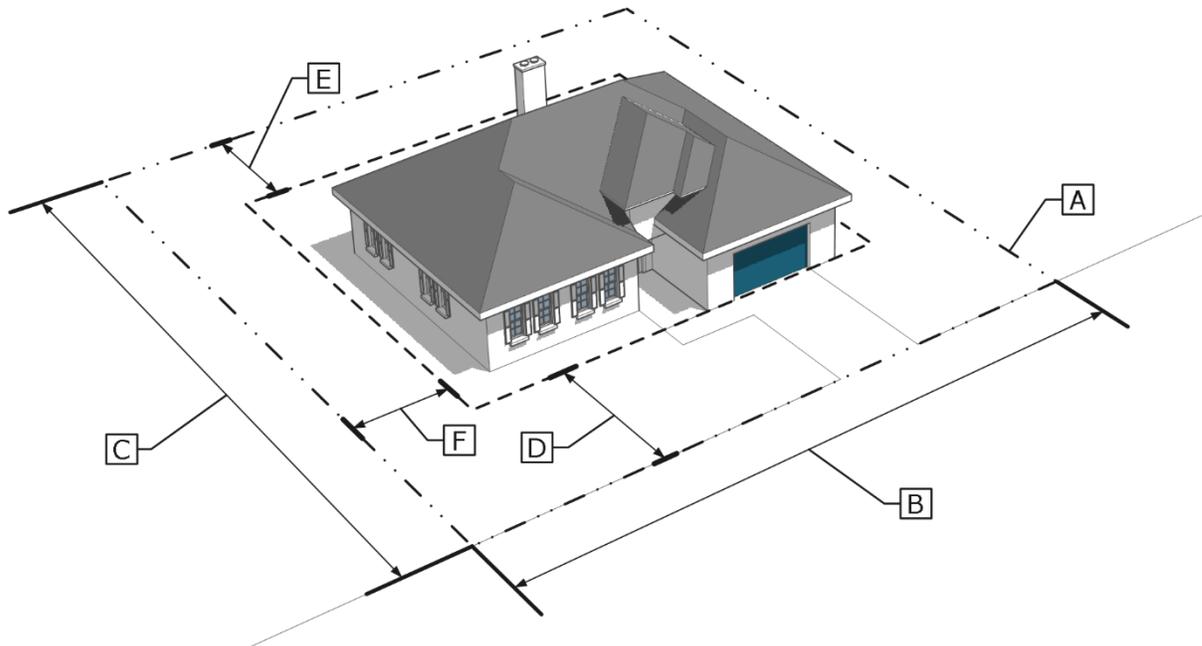
**2. Standards**

**Table 2-4: R12 Dimensional Standards**

Lot Dimensions (minimum)		
A	Lot area (sq ft)	12,000
B	Lot width (ft)	80
C	Lot depth (ft)	120
Building Setbacks (minimum)		
D	Front (ft)	25
E	Rear (ft)	20
F	Side interior (ft)	10
	Side corner lot (ft)	20
Height (maximum)		
	Height (ft)	35

**Other Key Standards**

Special Setback Requirements & Encroachments for Residential Lots	§204DD
Height Measurements and Exceptions	§204EE
Table of Uses	§205B
Use Definitions and Use-Specific Standards	§205C
Landscaping	§206A
Screening	§206C
Vehicle Parking and Loading	§206E



**Figure 2-2: R12 District Dimensional Standards**

**F. R8 – Residential**

**1. Purpose**

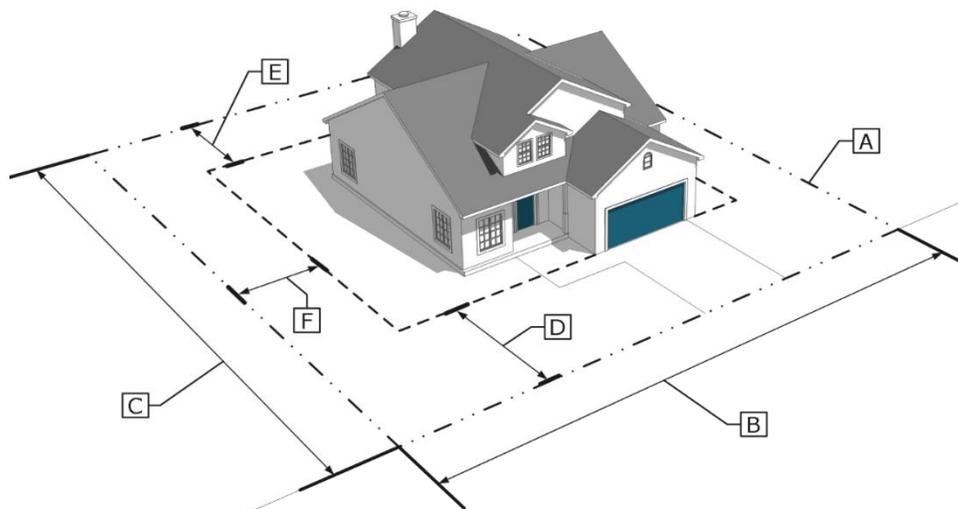
The purpose of the R8 zoning district is to accommodate low density, suburban-style, single-family residential development. This district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Suburban Living and Historic Town Center -- Residential.

**2. Standards**

Table 2-5: R8 Dimensional Standards		
Lot Dimensions (minimum)		
A	Lot area (sq ft)	8,000
B	Lot width (ft)	60
C	Lot depth (ft)	100
Building Setbacks (minimum)		
D	Front (ft)	20
E	Rear (ft)	15 [2]
F	Side interior (ft)	5 [1]
	Side corner lot (ft)	15 [2]
Height (maximum)		
	Height (ft)	35

Other Key Standards	
Special Setback Requirements & Encroachments for Residential Lots	§204DD
Height Measurements and Exceptions	§204EE
Table of Uses	§205B
Use Definitions and Use-Specific Standards	§205C
Landscaping	§206A
Screening	§206C
Vehicle Parking and Loading	§206E

- [1] Setback may be reduced to zero feet, so long as, a minimum building separation of ten feet shall be maintained between buildings. If a zero-lot line product is to be constructed, this condition shall be applied on a block-by-block basis. The desired zero lot line side of each lot indented to accommodate such a residential product shall be indicated on a setback exhibit associated with an approved plat.
- [2] A minimum driveway length of 20 feet shall be provided from the garage door to the street or alley right-of-way line, as required by the Engineering Design Manual. The driveway length may be reduced if a variance is granted by the Director of Engineering and the number of required spaces is provided in an offsite common area or approved on-street parking per Table 2-9: Minimum Vehicle Parking and Stacking Requirements.



**Figure 2-3: R8 District Dimensional Standards**

**G. R6 – Residential**

**1. Purpose**

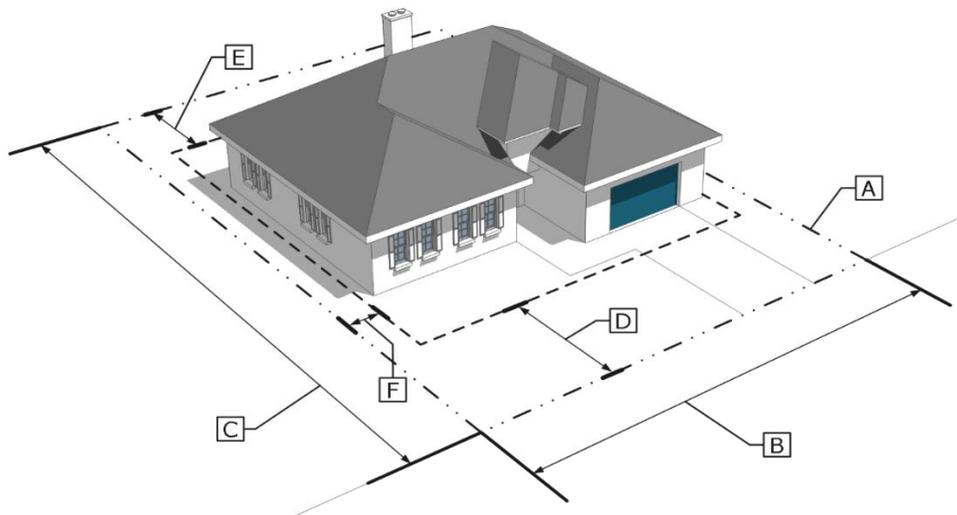
The purpose of the R6 zoning district is to accommodate medium-density, suburban-style, single-family residential development. This district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Suburban Living, Historic Town Center – Residential, and Historic Town Center – Mix.

**2. Standards**

Table 2-6: R6 Dimensional Standards		
Lot Dimensions (minimum)		
A	Lot area (sq ft)	6,000
B	Lot width (ft)	50
C	Lot depth (ft)	90
Building Setbacks (minimum)		
D	Front (ft)	20 [2]
E	Rear (ft)	10 [2]
F	Side interior (ft)	5 [1]
	Side corner lot (ft)	15 [2]
Height (maximum)		
	Height (ft)	35

Other Key Standards	
Special Setback Requirements & Encroachments for Residential Lots	§204DD
Height Measurements and Exceptions	§204EE
Table of Uses	§205B
Use Definitions and Use-Specific Standards	§205C
Landscaping	§206A
Screening	§206C
Vehicle Parking and Loading	§206E

- [1] Setback may be reduced to zero feet, so long as, a minimum building separation of ten feet shall be maintained between buildings. If a zero-lot line product is to be constructed, this condition shall be applied on a block-by-block basis. The desired zero lot line side of each lot indented to accommodate such a residential product shall be indicated on a setback exhibit associated with an approved plat.
- [2] A minimum driveway length of 20 feet shall be provided from the garage door to the street or alley right-of-way line, as required by the Engineering Design Manual. The driveway length may be reduced if a variance is granted by the Director of Engineering and the number of required spaces is provided in an offsite common area or approved on-street parking per Table 2-9: Minimum Vehicle Parking and Stacking Requirements.



**Figure 2-4: R6 District Dimensional Standards**

## H. R5 – Residential

### 1. Purpose

The purpose of the R5 zoning district is to accommodate medium-density, single-family residential development. This district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Urban Living, Entertainment Center, Transit Ready Development, Historic Town Center – Residential, and Historic Town Center – Mix. The R5 zoning district may also be appropriate in the Suburban Living placetype in unique circumstances.

### 2. Standards

Table 2-7: R5 Dimensional Standards		
Lot Dimensions (minimum)		
A	Lot area (sq ft)	5,000
B	Lot width (ft)	40 [2]
C	Lot depth (ft)	80
Building Setbacks (minimum)		
D	Front (ft)	20 [3]
E	Rear (ft)	10 [3]
F	Side Interior (ft)	5 [1]
	Side Corner Lot (ft)	15 [3]
Height (maximum)		
	Height (ft)	35

Other Key Standards	
Special Setback Requirements & Encroachments for Residential Lots	\$204DD
Height Measurements and Exceptions	\$204EE
Table of Uses	\$205B
Use Definitions and Use-Specific Standards	\$205C
Landscaping	\$206A
Screening	\$206C
Vehicle Parking and Loading	\$206E

- [1] Setback may be reduced to zero feet, so long as, a minimum building separation of ten feet shall be maintained between buildings. If a zero-lot line product is to be constructed, this condition shall be applied on a block-by-block basis. The desired zero lot line side of each lot indented to accommodate such a residential product shall be indicated on a setback exhibit associated with an approved plat.
- [2] Lots less than 50 feet in width shall be accessed via alleys abutting the rear of the lot, as required by the Engineering Design Manual.
- [3] A minimum driveway length of 20 feet shall be provided from the garage door to the street or alley right-of-way line, as required by the Engineering Design Manual. The driveway length may be reduced if a variance is granted by the Director of Engineering and the number of required spaces is provided in an offsite common area or approved on-street parking per Table 2-9: Minimum Vehicle Parking and Stacking Requirements.

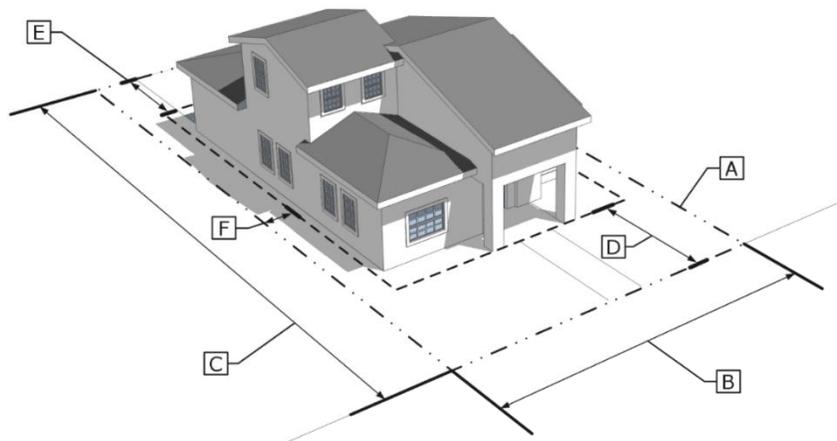


Figure 2-5: R5 District Dimensional Standards

## I. R3 - Residential

### 1. Purpose

The purpose of the R3 zoning district is to accommodate high-density single-family residential development. This district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Urban Living, Entertainment Center, Transit Ready Development, Historic Town Center – Residential, and Historic Town Center – Mix. The R3 zoning district may also be appropriate in the Suburban Living placetype in unique circumstances.

### 2. Standards

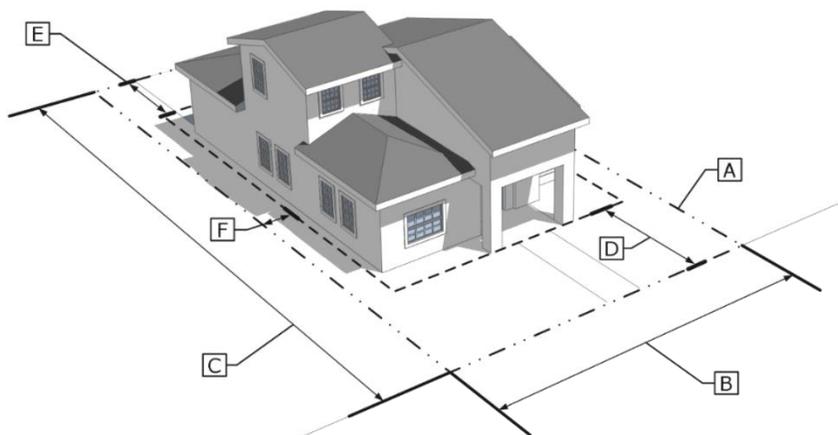
**Table 2-8: R3 Dimensional Standards [4]**

Lot Dimensions (minimum)		
A	Lot area (sq ft)	3,000
B	Lot width (ft)	30 [2]
C	Lot depth (ft)	75
Building Setbacks (minimum)		
D	Front (ft)	15 [3]
E	Rear (ft)	10 [3] [5]
F	Side interior (ft)	5 [1]
	Side corner lot (ft)	15 [3] [5]
Height (maximum)		
	Height (ft)	40

**Other Key Standards**

Special Setback Requirements & Encroachments for Residential Lots	\$204DD
Height Measurements and Exceptions	\$204EE
Table of Uses	\$205B
Use Definitions and Use-Specific Standards	\$205C
Landscaping	\$206A
Screening	\$206C
Vehicle Parking and Loading	\$206E

- [1] Setback may be reduced to zero feet, so long as, a minimum building separation of ten feet shall be maintained between buildings. If a zero-lot line product is to be constructed, this condition shall be applied on a block-by-block basis. The desired zero lot line side of each lot intended to accommodate such a residential product shall be indicated on a setback exhibit associated with an approved plat.
- [2] Lots less than 50 feet in width shall be accessed via alleys abutting the rear of the lot, as required by the Engineering Design Manual.
- [3] For platted lots over 4,000 square feet, a minimum driveway length of 20 feet shall be provided from the garage door to the street or alley right-of-way line, as required by the Engineering Design Manual. The driveway length may be reduced if a variance is granted by the Director of Engineering and the number of required spaces is provided in an offsite common area or approved on-street parking per Table 2-9: Minimum Vehicle Parking and Stacking Requirements
- [4] Any lot in a single-family residential zoning district may use the dimensional standards of the R3 zoning district provided that the lot is platted with the intent to accommodate a small-lot single-family product, that it is platted as a “small lot” with dimensions allowed under TLGC §211.052, and that this information is indicated on a setback exhibit associated with an approved plat.
- [5] For platted lots 4,000 square feet or under, at least one 9-foot by 20-foot parking space shall be provided on-site, positioned to be perpendicular to the alleyway by which it is accessed. This requirement shall apply to small-lot single-family uses as defined by TLGC §211.052.



**Figure 2-6: R3 District Dimensional Standards**

**J. TR1.8 – Townhome Residential**

**1. Purpose**

The purpose of the TR1.8 zoning district is to accommodate high-density townhome residential development. This district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Urban Living, Mixed-Use Center, Entertainment Center, Transit-Ready Development, Historic Town Center – Residential, and Historic Town Center – Mix. The Townhome Residential zoning district may also be appropriate in the Suburban Living placetype in unique circumstances.

**2. Standards**

Table 2-9: TR1.8 Dimensional Standards		
Lot Dimensions (minimum) [1] [2] [3]		
A	Lot area	1,800
B	Lot width (ft)	22 [2]
C	Lot depth (ft)	75
Building Setbacks (minimum)		
D	Front (ft)	15 [4] [7]
E	Rear (ft)	5 [4] [5]
F	Side interior (ft)	5 [1]
	Side corner lot (ft)	15 [4] [5]
Height (maximum) [6]		
	Height (ft)	40 [7]

Other Key Standards	
Special Setback Requirements & Encroachments for Residential Lots	§204DD
Height Measurements and Exceptions	§204EE
Table of Uses	§205B
Use Definitions and Use-Specific Standards	§205C
Landscaping	§206A
Screening	§206C
Vehicle Parking and Loading	§206E
Building Separation (minimum)	
Building separation	10 feet
Density (maximum)	
Dwelling units per acre	24

[1] Setback may be reduced to zero feet, so long as, a minimum building separation of ten feet shall be maintained between buildings. If a zero-lot line product is to be constructed, this condition shall be applied on a block-by-block basis. The desired zero lot line side of each lot indented to accommodate such a residential product shall be indicated on a setback exhibit associated with an approved plat.

[2] Lots less than 50 feet in width shall be accessed via alleys abutting the rear of the lot, as required by the Engineering Design Manual.

[3] This district allows for meeting two of three minimum lot dimensions: area, width, or depth.

[4] For single-family attached uses, a minimum driveway length of 20 feet shall be provided from the required on-site parking spot(s) to the street or alley right-of-way line, as required by the Engineering Design Manual. The driveway length may be reduced if a variance is granted by the Director of Engineering and the number of required spaces is provided in an offsite common area or approved on-street parking per Table 2-9: Minimum Vehicle Parking and Stacking Requirements. This requirement does not apply to small-lot single-family uses as defined by TLGC §211.052.

[5] For platted lots 4,000 square feet or under, at least one 9-foot by 20-foot parking space shall be provided on-site, positioned to be perpendicular to the alleyway by which it is accessed. This requirement shall apply to small-lot single-family uses as defined by TLGC §211.052.

[6] If a permitted use in Table 2-26: Table of Uses in this district is subject to TLGC §218.101, then the maximum height for that use is 45 feet.

[7] Lots located within the H – Historic Overlay district shall be a minimum of a 20-foot front building setback and a maximum height of 35 feet.



**Figure 2-7: TR1.8 District Dimensional Standards**

**K. MR – Mixed Residential**

**1. Purpose**

The purpose of the MR District is to accommodate a mix of housing types, such as single-family dwellings, duplexes, triplexes, and quadplexes alongside lower density multi-family buildings. This district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Urban Living, Transit Ready Development, Historic Town Center – Residential, and Historic Town Center – Mix. The MR zoning district may be appropriate in the Suburban Living placetype in unique circumstances.

**2. Standards**

**Table 2-10: MR Dimensional Standards**

	SF Detached	SF Attached	Duplex	Triplex	Quadplex	Multi-family, cottage	Multi-family, traditional
A Lot area (sf)	5,000	1,800	5,000	7,500	10,000	N/A	N/A
B Lot width (ft)	50	22 [2]	50	50	50	60	60
C Lot depth (ft)	100	80	100	100	100	100	100
D Front (ft)	25	20	25	25	25	20	25
E Rear (ft)	25 [5]	5 [3][5]	25	25	25	20	25
F Side interior (ft)	5	5 [1]	7	20	20	20	20
Side corner lot (ft)	15 [3] [5]	15 [5]	15 [3]	25	25	N/A	N/A
Height (ft)	40	40	35	45	45	45	45
Dwelling units per acre	15	24	14.5	36	36	36	36

- [1] Setback may be reduced to zero feet, so long as, a minimum building separation of ten feet shall be maintained between buildings. If a zero-lot line product is to be constructed, this condition shall be applied on a block-by-block basis. The desired zero lot line side of each lot indented to accommodate such a residential product shall be indicated on a setback exhibit associated with an approved plat.
- [2] Lots of 50 feet or less in width shall be accessed via alleys abutting the rear of the lot, as required by the Engineering design Manual.
- [3] For platted lots over 4,000 square feet, a minimum driveway length of 20 feet shall be provided from the garage door to the street or alley right-of-way line, as required by the Engineering Design Manual. The driveway length may be reduced if a variance is granted by the Director of Engineering and the number of required spaces is provided in an offsite common area or approved on-street parking per Table 2-9: Minimum Vehicle Parking and Stacking Requirements.
- [4] Any lot in a single-family residential zoning district may use the dimensional standards of the R3 zoning district provided that the lot is platted with the intent to accommodate a small-lot single-family product, that it is platted as a “small lot” with dimensions allowed under TLGC §211.052, and that this information is indicated on a setback exhibit associated with an approved plat.
- [5] For platted lots 4,000 square feet or under, at least one 9-foot by 20-foot parking space shall be provided on-site, positioned to be perpendicular to the alleyway by which it is accessed. This requirement shall apply to small-lot single-family uses as defined by TLGC §211.052.

**Residential Adjacency**

When a multi-family residential or non-residential use shares a property line(s) with a single-family, duplex, triplex, or quadplex residential use or a single-family residential zone, the following building setbacks shall apply along the shared property line(s): 25 feet for mixed-use residential or multi-family residential uses and 45 feet for non-residential uses. Residential adjacency does not apply to properties that are located in the REC and develop in accordance with the urban standards.

**Other Key Standards**

Special Setback Requirements & Encroachments for Residential Lots	§204DD
Height Measurements and Exceptions	§204EE
Table of Uses	§205B
Use Definitions and Use-Specific Standards	§205C
Landscaping	§206A
Screening	§206C
Vehicle Parking and Loading	§206E

## L. MF36 – Multi-Family Residential

### 1. Purpose

The purpose of the MF36 zoning district is to accommodate multi-family residential development. This district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Urban Living, Transit Ready Development, Entertainment Center, Mixed-Use Center, Historic Town Center – Residential, and Historic Town Center – Mix. The MF36 zoning district may exist in the Suburban Living placetype in unique circumstances.

### 2. Standards

**Table 2-11: MF36 Dimensional Standards**

Lot Dimensions (minimum)		
A	Lot area (sq ft)	N/A
B	Lot width (ft)	60
C	Lot depth (ft)	100
Building Setbacks (minimum)		
D	Front (ft)	25
E	Rear (ft)	20
F	Side interior (ft)	20
Height (maximum)		
	Height (ft)	55
Density (maximum)		
	Dwelling units per acre	36

### Other Key Standards

Special Setback Requirements & Encroachments for Residential Lots	§204DD
Height Measurements and Exceptions	§204EE
Table of Uses	§205B
Use Definitions and Use-Specific Standards	§205C
Landscaping	§206A
Screening	§206C
Vehicle Parking and Loading	§206E

### Residential Adjacency

When a multi-family or non-residential use shares a property line(s) with a single-family, duplex, triplex, or quadplex residential use or a single-family residential zone, the following building setbacks shall apply along the shared property line(s), unless developing according to the urban standards of the REC:

Building Stories	Setback (minimum) [1]
1 story	30 feet
2 stories	50 feet
3 stories	2 feet of setback for each foot of building height
4 stories	3 feet of setback for each foot of building height

[1] Multi-family uses shall have a minimum residential adjacency setback of 25 feet.



**Figure 2-8: MF36 District Dimensional Standards**

## M. MHR – Manufactured Home Residential

### 1. Purpose

The purpose of the MHR zoning district is to allow manufactured homes along with supporting and accessory uses such as management offices, maintenance buildings, laundry, and storage facilities for residents’ use, and open or enclosed recreation areas. This district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Rural Living, Estate Residential, Suburban Living, and Urban Living.

### 2. Standards

Table 2-12: MHR Dimensional Standards		
Lot Dimensions (minimum)		
A	Lot area (sq ft)	N/A
B	Lot width (ft)	60
C	Lot depth (ft)	100
Building Setbacks (minimum)		
D	Front (ft)	20
E	Rear (ft)	20
F	Side (ft)	20
Height (maximum)		
	Height (ft)	45
Density (maximum)		
	Dwelling units per acre	36

Other Key Standards	
Special Setback Requirements & Encroachments for Residential Lots	\$204DD
Height Measurements and Exceptions	\$204EE
Table of Uses	\$205B
Use Definitions and Use-Specific Standards	\$205C
Landscaping	\$206A
Screening	\$206C
Vehicle Parking and Loading	\$206E

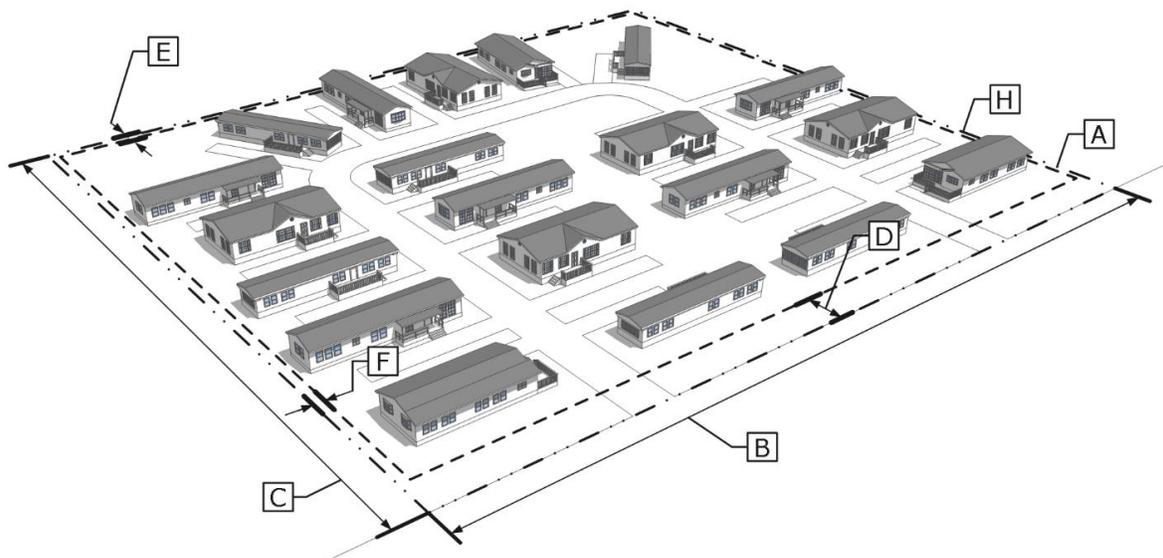


Figure 2-9: MHR District Dimensional Standards

## N. C1 – Neighborhood Commercial

### 1. Purpose

The purpose of the C1 zoning district is to allow for small-scale, low-intensity commercial, retail, office, service-oriented, and professional uses, and accompanying accessory uses, that serve primarily the surrounding neighborhood, and are typically located where collector roads intersect with other collector roads or arterial roads. This district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Neighborhood Commercial and Historic Town Center – Mix.

### 2. Standards

Table 2-13: C1 Dimensional Standards [1]		
Lot Dimensions (minimum)		
A	Lot area (sq ft)	0
B	Lot width (ft)	0
C	Lot depth (ft)	0
Setbacks (minimum)		
D	Front (ft)	20
E	Rear (ft)	0
F	Side interior (ft)	0
Height (maximum)		
	Height (ft)	35

Other Key Standards	
Special Setback Requirements & Encroachments for Residential Lots	§204DD
Height Measurements and Exceptions	§204EE
Table of Uses	§205B
Use Definitions and Use-Specific Standards	§205C
Landscaping	§206A
Screening	§206C
Vehicle Parking and Loading	§206E
Multi-Family Residential and Mixed-Use Residential Site Design	§206G

Residential Adjacency	
When a non-residential use shares a property line(s) with a single-family, duplex, triplex, or quadplex residential use or a single-family residential zone, the following building setbacks shall apply along the shared property line(s):	
Building Stories	Setback (minimum)
1 story	30 feet
2 stories	50 feet
3 or more stories	2 feet of setback for each foot of building height

[1] Development of mixed-use residential and multi-family uses in non-residential districts shall meet the requirements of Section 206G.

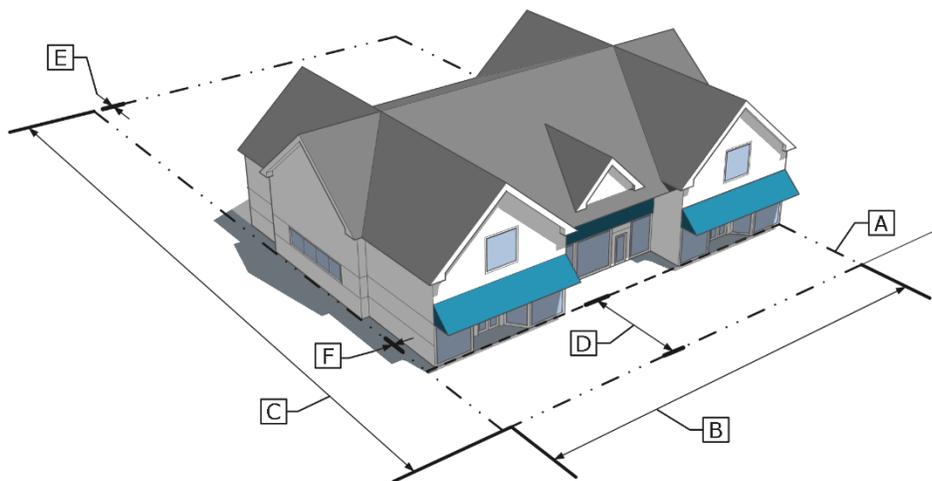


Figure 2-10: C1 District Dimensional Standards

**O. C2 – Local Commercial**

**1. Purpose**

The purpose of the C2 zoning district is to allow for mid-sized, medium-intensity commercial, retail, office, service-oriented, and professional uses, and accompanying accessory uses. Local Commercial areas are characterized by frequent visits of customers and clients and require access to good vehicular circulation, so are typically located where arterial roads intersect other arterial roads. This district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Neighborhood Commercial, Commercial Center, Professional Center, and Historic Town Center – Mix.

**2. Standards**

Table 2-14: C2 Dimensional Standards [1]		
Lot Dimensions (minimum)		
A	Lot area (sq ft)	0
B	Lot width (ft)	0
C	Lot depth (ft)	0
Setbacks (minimum)		
D	Front (ft)	20
E	Rear (ft)	0
F	Side interior (ft)	0
Height (maximum)		
	Height (ft)	45

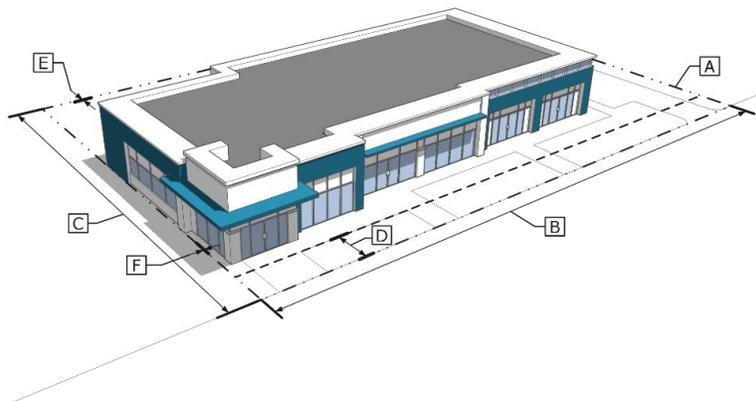
Other Key Standards	
Special Setback Requirements & Encroachments for Residential Lots	§204DD
Height Measurements and Exceptions	§204EE
Table of Uses	§205B
Use Definitions and Use-Specific Standards	§205C
Landscaping	§206A
Screening	§206C
Vehicle Parking and Loading	§206E
Multi-Family Residential and Mixed-Use Residential Site Design	§206G

**Residential Adjacency**

When a non-residential use shares a property line(s) with a single-family, duplex, triplex, or quadplex residential use or a single-family residential zone, the following building setbacks shall apply along the shared property line(s):

Building Stories	Setback (minimum)
1 story	30 feet
2 stories	50 feet
3 or more stories	2 feet of setback for each foot of building height

[1] Development of mixed-use residential and multi-family uses in non-residential districts shall meet the requirements of Section 206G.



**Figure 2-11: C2 District Dimensional Standards**

**P. C3 – Regional Commercial**

**1. Purpose**

The purpose of the C3 zoning district is to allow for large-scale, high-intensity commercial, retail, office, service-oriented, and professional uses, and accompanying accessory uses. Regional Commercial uses serve the broader region, often require large land area, and are typically located along major regional highways, and where arterial roads intersect with major regional highways. This district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Commercial Center, Professional Center, and Entertainment Center.

**2. Standards**

Table 2-15: C3 Dimensional Standards [1]		
Lot Dimensions (minimum)		
A	Lot area (sq ft)	0
B	Lot width (ft)	0
C	Lot depth (ft)	0
Setbacks (minimum)		
D	Front (ft)	20
E	Rear (ft)	0
F	Side interior (ft)	0
Height (maximum)		
	Height (ft)	55

Other Key Standards	
Special Setback Requirements & Encroachments for Residential Lots	\$204DD
Height Measurements and Exceptions	\$204EE
Table of Uses	\$205B
Use Definitions and Use-Specific Standards	\$205C
Landscaping	\$206A
Screening	\$206C
Vehicle Parking and Loading	\$206E
Multi-Family Residential and Mixed-Use Residential Site Design	\$206G

**Residential Adjacency**

When a non-residential use shares a property line(s) with a single-family, duplex, triplex, or quadplex residential use or a single-family residential zone, the following building setbacks shall apply along the shared property line(s):

Building Stories	Setback (minimum)
1 story	30 feet
2 stories	50 feet
3 or more stories	2 feet of setback for each foot of building height

[1] Development of mixed-use residential and multi-family uses in non-residential districts shall meet the requirements of Section 206G.



**Figure 2-12: C3 District Dimensional Standards**

**Q. O1 – Office**

**1. Purpose**

The purpose of the O1 zoning district is to encourage a concentration of low-intensity office and professional uses while limiting commercial and retail uses in the district. This district is typically located at the intersection of arterial roads and collector roads. The district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Neighborhood Commercial, and Professional Center.

**2. Standards**

Table 2-16: O1 Dimensional Standards [1]		
Lot Dimensions (minimum)		
A	Lot area (sq ft)	0
B	Lot width (ft)	0
C	Lot depth (ft)	0
Setbacks (minimum)		
D	Front (ft)	20
E	Rear (ft)	0
F	Side interior (ft)	0
Height (maximum)		
	Height (ft)	35

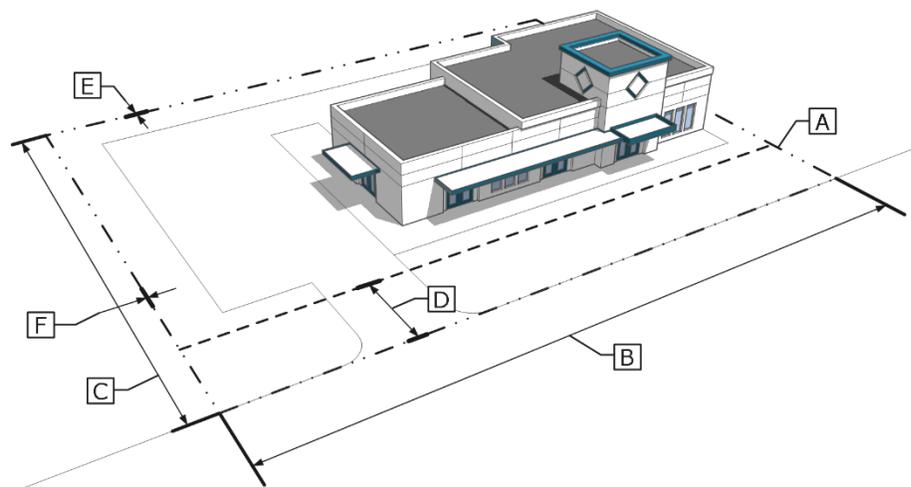
Other Key Standards	
Special Setback Requirements & Encroachments for Residential Lots	§204DD
Height Measurements and Exceptions	§204EE
Table of Uses	§205B
Use Definitions and Use-Specific Standards	§205C
Landscaping	§206A
Screening	§206C
Vehicle Parking and Loading	§206E
Multi-Family Residential and Mixed-Use Residential Site Design	§206G

**Residential Adjacency**

When a non-residential use shares a property line(s) with a single-family, duplex, triplex, or quadplex residential use or a single-family residential zone, the following building setbacks shall apply along the shared property line(s):

Building Stories	Setback (minimum)
1 story	30 feet
2 stories	50 feet
3 or more stories	2 feet of setback for each foot of building height

[1] Development of mixed-use residential and multi-family uses in non-residential districts shall meet the requirements of Section 206G.



**Figure 2-6: O1 District Dimensional Standards**

**R. O2 – Regional Office**

**1. Purpose**

The purpose of the O2 zoning district is to encourage a concentration of high-intensity office and professional uses while allowing commercial and retail uses in the district. The district is typically located along major regional highways, or at intersections with major regional highways. This district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Professional Center.

**2. Standards**

Table 2-17: O2 Dimensional Standards [1]		
Lot Dimensions (minimum)		
A	Lot area (sq ft)	0
B	Lot width (ft)	0
C	Lot depth (ft)	0
Setbacks (minimum)		
D	Front (ft)	20
E	Rear (ft)	0
F	Side interior (ft)	0
Height (maximum)		
	Height (ft)	75

Other Key Standards	
Special Setback Requirements & Encroachments for Residential Lots	\$204DD
Height Measurements and Exceptions	\$204EE
Table of Uses	\$205B
Use Definitions and Use-Specific Standards	\$205C
Landscaping	\$206A
Screening	\$206C
Vehicle Parking and Loading	\$206E
Multi-Family Residential and Mixed-Use Residential Site Design	\$206G

**Residential Adjacency**

When a non-residential use shares a property line(s) with a single-family, duplex, triplex, or quadplex residential use or a single-family residential zone, the following building setbacks shall apply along the shared property line(s):

Building Stories	Setback (minimum)
1 story	30 feet
2 stories	50 feet
3 or more stories	2 feet of setback for each foot of building height

[1] Development of mixed-use residential and multi-family uses in non-residential districts shall meet the requirements of Section 206G.



**Figure 2-7: O2 District Dimensional Standards**

## S. I1 – Light Industrial

### 1. Purpose

The purpose of the I1 zoning district is to allow a range of lower-intensity industrial uses. This district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Employment Mix and Manufacturing & Warehouse.

### 2. Standards

Table 2-18: I1 Dimensional Standards		
Lot Dimensions (minimum)		
A	Lot area (sq ft)	0
B	Lot width (ft)	50
C	Lot depth (ft)	0
Setbacks (minimum)		
D	Front (ft)	20
E	Rear (ft)	0
F	Side interior (ft)	0
Height (maximum)		
	Height (ft)	45

### Other Key Standards

Special Setback Requirements & Encroachments for Residential Lots	§204DD
Height Measurements and Exceptions	§204EE
Table of Uses	§205B
Use Definitions and Use-Specific Standards	§205C
Landscaping	§206A
Screening	§206C
Vehicle Parking and Loading	§206E

### Residential Adjacency

When a non-residential use shares a property line(s) with a single-family, duplex, triplex, or quadplex residential use or a single-family residential zone, the following building setbacks shall apply along the shared property line(s):

Building Stories	Setback (minimum)
1 story	30 feet
2 stories	50 feet
3 or more stories	2 feet of setback for each foot of building height

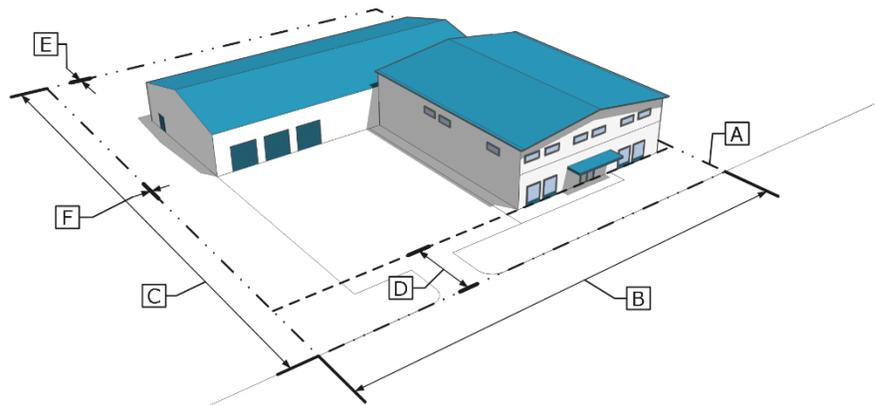


Figure 2-8: I1 District Dimensional Standards

**T. I2 - Heavy Industrial**

**1. Purpose**

The purpose of the I2 zoning district is to allow the widest permitted range of more intense industrial uses. This district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Manufacturing & Warehouse.

**2. Standards**

Table 2-19: I2 Dimensional Standards		
Lot Dimensions (minimum)		
A	Lot area (sq ft)	0
B	Lot width (ft)	50
C	Lot depth (ft)	0
Setbacks (minimum)		
D	Front (ft)	20
E	Rear (ft)	0
F	Side interior (ft)	0
Height (maximum)		
	Height (ft)	55

Other Key Standards	
Special Setback Requirements & Encroachments for Residential Lots	§204DD
Height Measurements and Exceptions	§204EE
Table of Uses	§205B
Use Definitions and Use-Specific Standards	§205C
Landscaping	§206A
Screening	§206C
Vehicle Parking and Loading	§206E

Residential Adjacency	
When a non-residential use shares a property line(s) with a single-family, duplex, triplex, or quadplex residential use or a single-family residential zone, the following building setbacks shall apply along the shared property line(s):	
Building Stories	Setback (minimum)
1 story	30 feet
2 stories	50 feet
3 or more stories	2 feet of setback for each foot of building height

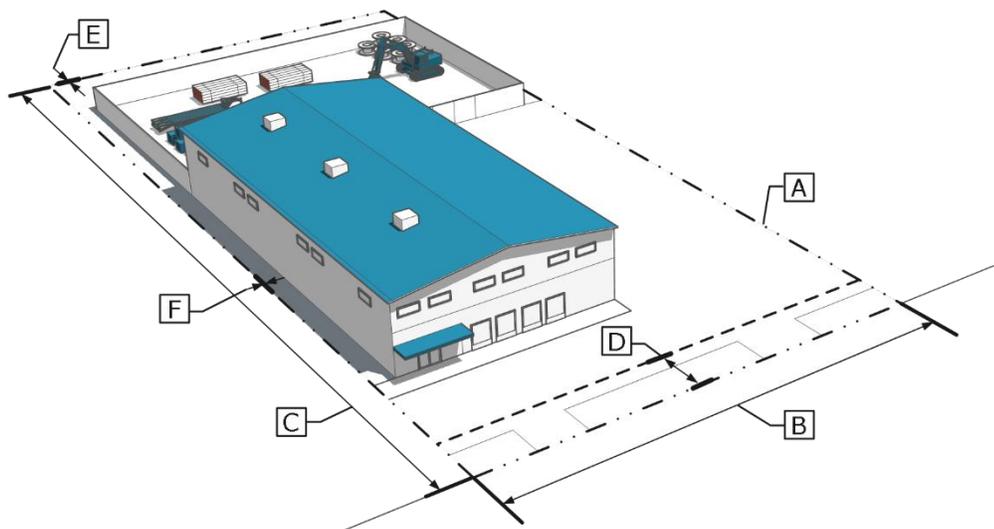


Figure 2-16: I2 District Dimensional Standards

## U. GC – Government Complex

### 1. Purpose

The purpose of the GC zoning district is to provide standards that are conducive to the construction of public and government facilities that contribute to the provision of public services. This district is generally appropriate within all placetypes in the ONE McKinney 2040 Comprehensive Plan.

### 2. Standards

Table 2-20: GC Dimensional Standards		
Lot Dimensions (minimum)		
A	Lot area (sq. ft.)	N/A
B	Lot width (ft)	N/A
C	Lot depth (ft)	N/A
Setbacks (minimum)		
D	Front (ft)	N/A
E	Rear (ft)	N/A
F	Side interior (ft)	N/A
Height (maximum)		
	Height (ft)	N/A

Other Key Standards	
Special Setback Requirements & Encroachments for Residential Lots	\$204DD
Height Measurements and Exceptions	\$204EE
Table of Uses	\$205B
Use Definitions and Use-Specific Standards	\$205C
Landscaping	\$206A
Screening	\$206C
Vehicle Parking and Loading	\$206E
Residential Adjacency	
When a non-residential use shares a property line(s) with a single-family, duplex, triplex, or quadplex residential use or a single-family residential zone, the following building setbacks shall apply along the shared property line(s):	
Building Stories	Setback (minimum)
1 story	30 feet
2 stories	50 feet
3 or more stories	2 feet of setback for each foot of building height

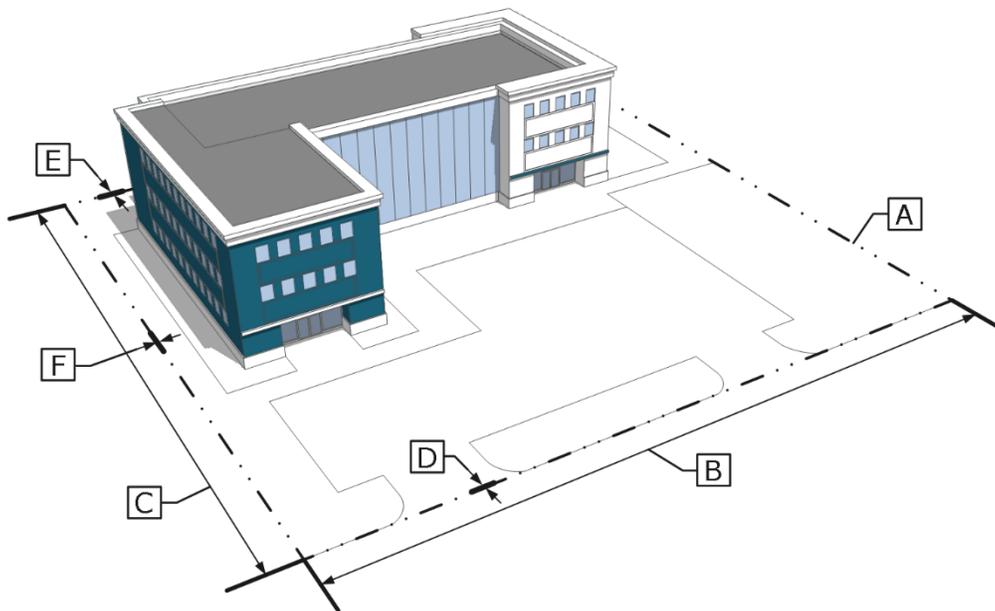


Figure 2-9: GC District Dimensional Standards

V. AG – Agriculture

1. Purpose

The purpose of the AG zoning district is to allow for rural and agricultural uses. This district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Rural Living and Estate Residential.

2. Standards

Table 2-21: AG Dimensional Standards		
Lot Dimensions (minimum)		
A	Lot area (sq ft)	5 acres
B	Lot width (ft)	100
C	Lot depth (ft)	0
Setbacks (minimum)		
D	Front (ft)	35
E	Rear (ft)	35
F	Side interior (ft)	20
	Side corner lot (ft)	25
Height (maximum)		
	Height (ft)	35

Other Key Standards	
Special Setback Requirements & Encroachments for Residential Lots	\$204DD
Height Measurements and Exceptions	\$204EE
Table of Uses	\$205B
Use Definitions and Use-Specific Standards	\$205C
Landscaping	\$206A
Screening	\$206C
Vehicle Parking and Loading	\$206E
Residential Adjacency	
When a non-residential use shares a property line(s) with a single-family, duplex, triplex, or quadplex residential use or a single-family residential zone, the following building setbacks shall apply along the shared property line(s):	
Building Stories	Setback (minimum)
1 story	30 feet
2 stories	50 feet
3 or more stories	2 feet of setback for each foot of building height

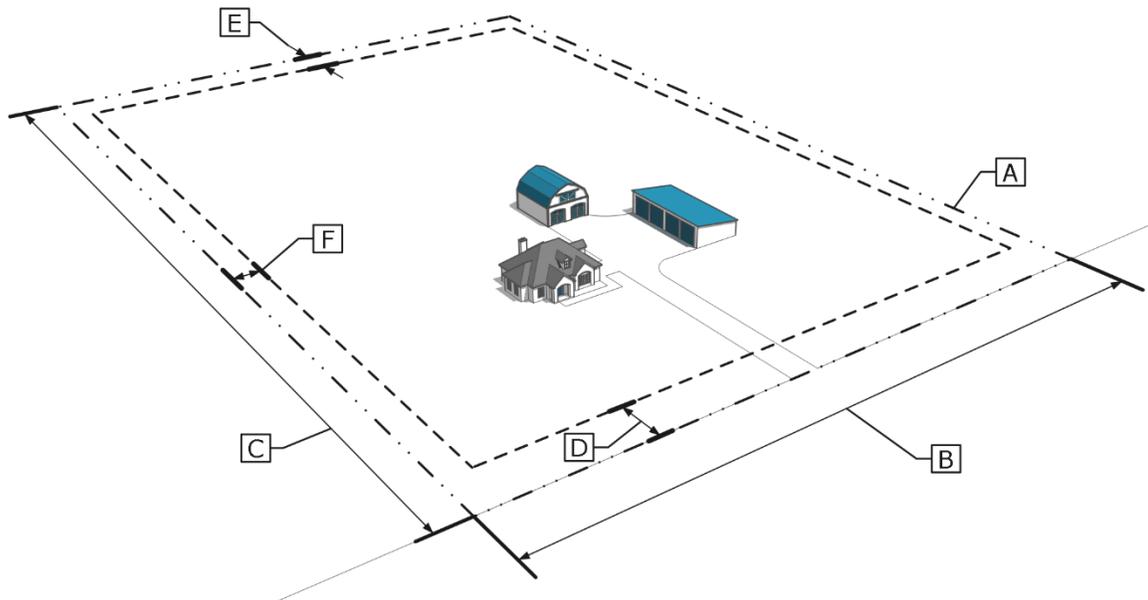


Figure 2-10: AG District Dimensional Standards

**W. AP – Airport**

**1. Purpose**

The purpose of the AP zoning district is to provide for air transportation and associated uses. This district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Aviation. The following provision will be applied only to the extent that they are compatible with the provisions set out in Chapter 118, “Airport Height, Hazard, and Land Use Regulations,” of the McKinney Code. In the event of any conflict between the provisions of this subsection W and any provision in Chapter 118 of the McKinney Code the provisions and requirements of Chapter 118 of the McKinney Code shall control.

**2. Standards**

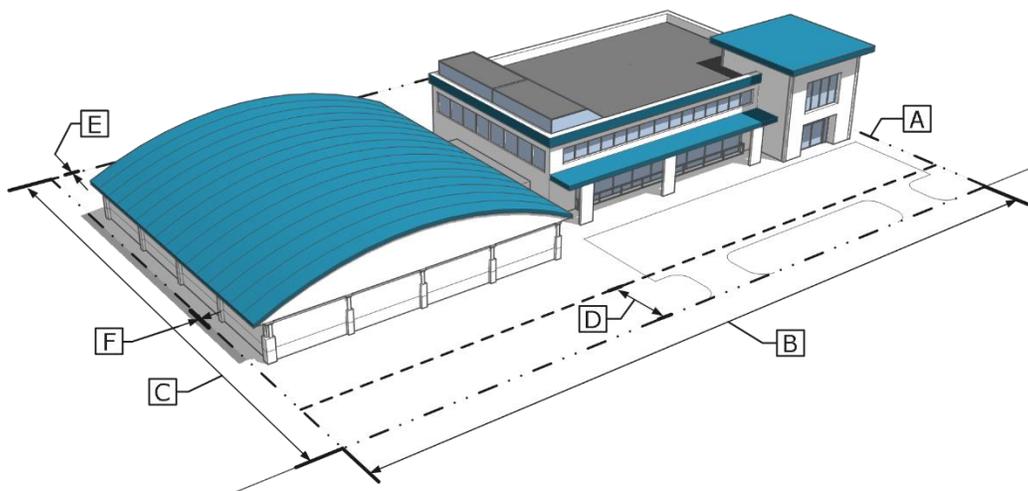
Table 2-22: AP Dimensional Standards		
Lot Dimensions (minimum)		
A	Lot area (sq ft)	0
B	Lot width (ft)	0
C	Lot depth (ft)	0
Setbacks (minimum)		
D	Front (ft)	20
E	Rear (ft)	0
F	Side interior (ft)	0
Height (maximum)		
	Height (ft)	45

Other Key Standards	
Special Setback Requirements & Encroachments for Residential Lots	§204DD
Height Measurements and Exceptions	§204EE
Table of Uses	§205B
Use Definitions and Use-Specific Standards	§205C
Landscaping	§206A
Screening	§206C
Vehicle Parking and Loading	§206E

**Residential Adjacency**

When a non-residential use shares a property line(s) with a single-family, duplex, triplex, or quadplex residential use or a single-family residential zone, the following building setbacks shall apply along the shared property line(s):

Building Stories	Setback (minimum)
1 story	30 feet
2 stories	50 feet
3 or more stories	2 feet of setback for each foot of building height



**Figure 2-11: AP District Dimensional Standards**

## **X. PD – Planned Development District**

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### **1. Purpose**

The purpose of the PD zoning district is to accommodate new and imaginative concepts in urban design and land development that require unique development standards not permitted by the standard zoning districts in this Article. PD districts offer flexibility in design in exchange for substantial added benefit to the City, which may include provisions of open space; preservation of natural, environmental, or scenic features of a site.. PDs may also be requested to address challenges presented by specific site conditions.

### **2. Administration**

An approved PD Ordinance shall:

- a.** Be considered an amendment to this Code and to the zoning map; and
- b.** Include standards for use and development in every PD ordinance; where specific standards are not stated in the PD ordinance, the standards of the zoning ordinance shall prevail, and as amended.

**Y. MTC – McKinney Town Center**

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See Appendix 2B: McKinney Town Center MTC.

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## **Z. H - Historic Overlay**

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### **1. Purpose**

The purpose of the H - Historic Overlay district is to protect, enhance, and perpetuate districts and landmarks of historical and cultural importance and significance to promote the economic, cultural, educational, and general welfare of the public. It is intended as supplemental regulation, used in conjunction with the base zoning districts established in §204D through §204Y. Historic districts and landmarks within the city represent the unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural, and cultural resources that constitute their heritage; and, therefore, the H Overlay district is intended to:

- a. Foster civic pride in the accomplishments of the past;
- b. Protect and enhance the city's attractiveness to visitors and the economic benefits derived therefrom;
- c. Ensure that development, redevelopment, and renovations within the historic districts are consistent with the historic character of the City;
- d. Ensure the harmonious, orderly, and efficient growth and development of the city;
- e. Promote the economic prosperity and welfare of the community by encouraging the most appropriate use of such property within the city; and
- f. Stabilize and improve the values of such properties.

### **2. Origination**

The H - Historic Overlay has been created for ease of use and is a combination of the H - Historic Preservation Overlay and HCD - Historic Commercial District Overlay districts. Combining the overlay districts does not repeal or replace the ordinances that established the H - Historic Preservation Overlay and HCD - Historic Commercial District Overlay.

### **3. Overlay Boundary Map**

The H - Historic Overlay district boundaries map shall be shown on the Official Zoning Map and as pictured below.

## Article 2: Zoning Regulations

204 Zoning Districts

Z H - Historic Overlay

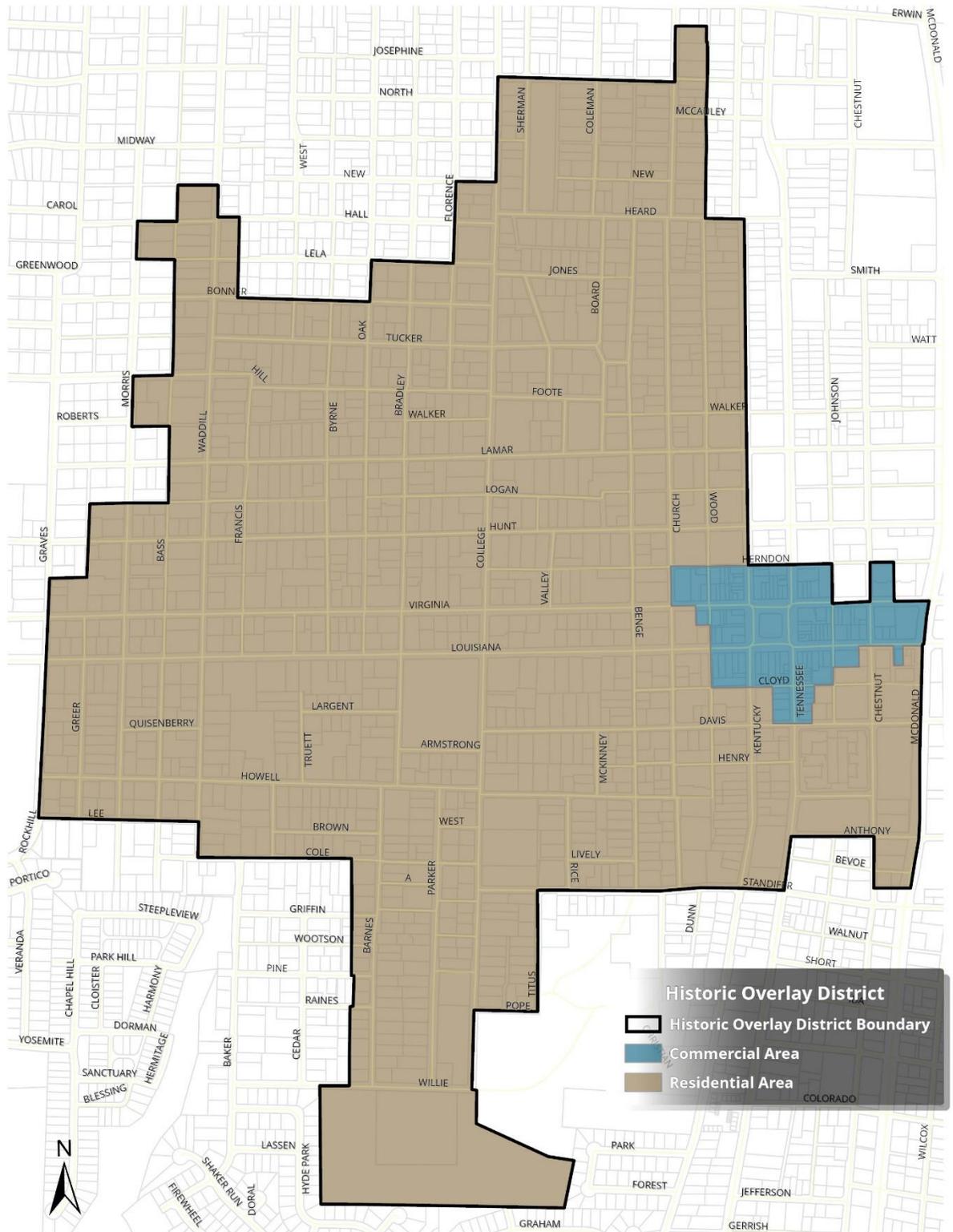


Figure 2-20: H - Historic Overlay District Boundary Map

#### 4. Applicability

The standards in this Section apply to all properties located within the boundaries of the Historic Overlay district, as shown in Figure 2-20: H - Historic Overlay District Boundary Map.

#### 5. Regulations

- a. A Certificate of Appropriateness (COA) is required to be approved prior to the commencement of any work or issuance of any permit for properties within the Historic Overlay district for the following:
  - I. Construction of a new building or structure, including an accessory dwelling unit.
  - II. Reconstruction, alteration, change, restoration, expansion, or demolition of any building or structure and any exterior architectural features on an existing building or structure that is visible from a public right-of-way, including the material and basic texture of all exterior building materials, windows, doors, lights, signs, fences, sidewalks, and other exterior fixtures.
  - III. Change the paint color on a building's exterior or to within the Commercial Area of the Historic Overlay District.
  - IV. Obtain a demolition permit to demolish any property, structure, or portion thereof within the Historic Overlay district, or for a historic landmark, including for demolition of secondary buildings or landscape features.
  - V. No building permit may be issued for such proposed work until a COA has been issued by the HPO, or upon appeal, to the Historic Preservation Advisory Board and/or City Council pursuant to this section, §203E.6 *Certificate of Appropriateness*. The COA required by this section shall be in addition to not in lieu of any building permit that may be required by other city ordinances.
  - VI. Prior to the Building and Standards Commission taking action on a building recommended for demolition, the commission must first receive a recommendation regarding a COA for demotion from the HPO on any building that would require a COA.
- b. The HPO, with a recommendation by the Historic Preservation Advisory Board and approval of the City Council, may establish guidelines to issue a COA for exterior restorations and renovations.

#### 6. Exceptions

- a. **Within the H – Historic Overlay District:**
  - I. Routine maintenance and repair of any exterior architectural feature of a landmark or any property within the H – Historic Overlay district, when such maintenance does not involve a change in design, material, or outward appearance. Routine maintenance includes in-kind replacement or repair; or
  - II. Repainting the exterior of the building the same color as it currently is does not require approval of a COA.
- b. **Additional exceptions within the Residential Area of the H – Historic Overlay District:**
  - I. Painting of existing properties;
  - II. Sidewalks and paving;
  - III. Any addition or removal of landscape materials or landscape design elements; or
  - IV. Fences that are not considered screening devices.

#### 7. Demolition by Neglect

No owner or person with an interest in real property designated as a landmark or included within the Historic Overlay district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the HPO, produce a detrimental effect upon the character of the Historic Overlay district as a whole or the life and character of the property itself. Examples of such deterioration include, but are not limited to:

- a. Deterioration of exterior walls or other vertical supports;
- b. Deterioration of roofs or other horizontal members;
- c. Deterioration of exterior chimneys;

- d. Deterioration or crumbling of exterior stucco or mortar;
- e. Ineffective waterproofing of exterior walls, roofs, or foundations, including broken windows or doors; and
- f. Deterioration of any feature so as to create a hazardous condition, which could lead to the claim that demolition is necessary for public safety.

### **8. Conformance and Enforcement**

All work performed pursuant to the issuance of a COA, building permit, or demolition permit issued under this section or sections 203.E.5 and/or 203.E.6 shall conform to any requirements included in each of such sections. It shall be the duty of the Administrative Official to periodically inspect such work to ensure compliance. In the event work is found that is not being performed in accordance with the COA, the Administrative Official shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect. The COA may be reinstated upon assurance that compliance will henceforth exist.

### **9. Penalties**

For penalties or violations of this section and/or sections §203E.6 *Certificate of Appropriateness* see section §108D *Violations and Penalties*.

### **10. No Vested Interest**

No developer or property owner shall acquire any vested interest in this section or specific regulations contained herein.

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## AA. HC – Highway Commercial Overlay

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### 1. Purpose

The Highway Commercial (HC) Overlay district is designed to allow some non-residential buildings along important highway corridors to be of greater height than the base zoning district would otherwise allow. It is intended as supplemental regulation, used in conjunction with the property's underlying zoning district. The HC Overlay district standards recognize the importance of major regional highways as an economic development engine supporting efforts to leverage a diverse and sustainable non-residential tax base for the City. These taller buildings will generally be located along the major regional highways passing through the City:

- a. University Drive (U.S. Highway 380);
- b. Central Expressway and Sam Johnson Highway (U.S. Highway 75); and
- c. Sam Rayburn Tollway (State Highway 121).

### 2. Applicability

- a. All development regulations of the underlying base zoning district shall apply, unless otherwise specified in this subsection.
- b. Where there is a conflict between the HC Overlay district standards, and those of the underlying base zoning district, the more permissive standard shall control, with the exception of properties in the Suburban Subzone. Those properties shall be subject to the more restrictive applicable regulations.
- c. Properties with PD – Planned Development zoning district are subject to all applicable regulations of the PD and any conditions of approval, unless those regulations or conditions conflict with the provisions of this Section. Then the provisions of this section shall control.
- d. Pursuant to the applicability of TLGC §218.102, these standards shall apply to mixed-use residential and multi-family buildings.

### 3. District Boundary Map

The official boundaries of the HC Overlay district and its four subzones are shown on the official boundary map.

### 4. District Subzones

The HC Overlay district contains four subzones, as described below.

#### a. Suburban Subzone

- I. The intent of this subzone is to protect and maintain the residential character of the area by limiting building height to that prescribed in the base zoning district.
- II. Properties in this subzone are not permitted any increase in height over that prescribed in the base zoning district.

#### b. Low-Rise Subzone

- I. The intent of this subzone is to permit minimal increases to the building height allowed by the underlying base zoning district.
- II. The maximum height of non-residential buildings in the low-rise subzone is three stories.

#### c. Mid-Rise Subzone

- I. The intent of this subzone is to permit moderate increases to the building height allowed by the underlying base zoning district.
- II. Pursuant to [§203G.1, Design Exception](#), the maximum height of non-residential buildings in the mid-rise subzone may be increased to six stories.

#### d. High-Rise Subzone

- I. The intent of this subzone is to permit substantial increases to the building height allowed by the underlying base zoning district.

## Article 2: Zoning Regulations

204 Zoning Districts

AA HC - Highway Commercial Overlay

- II. The maximum height of non-residential buildings in the high-rise subzone is 12 stories.

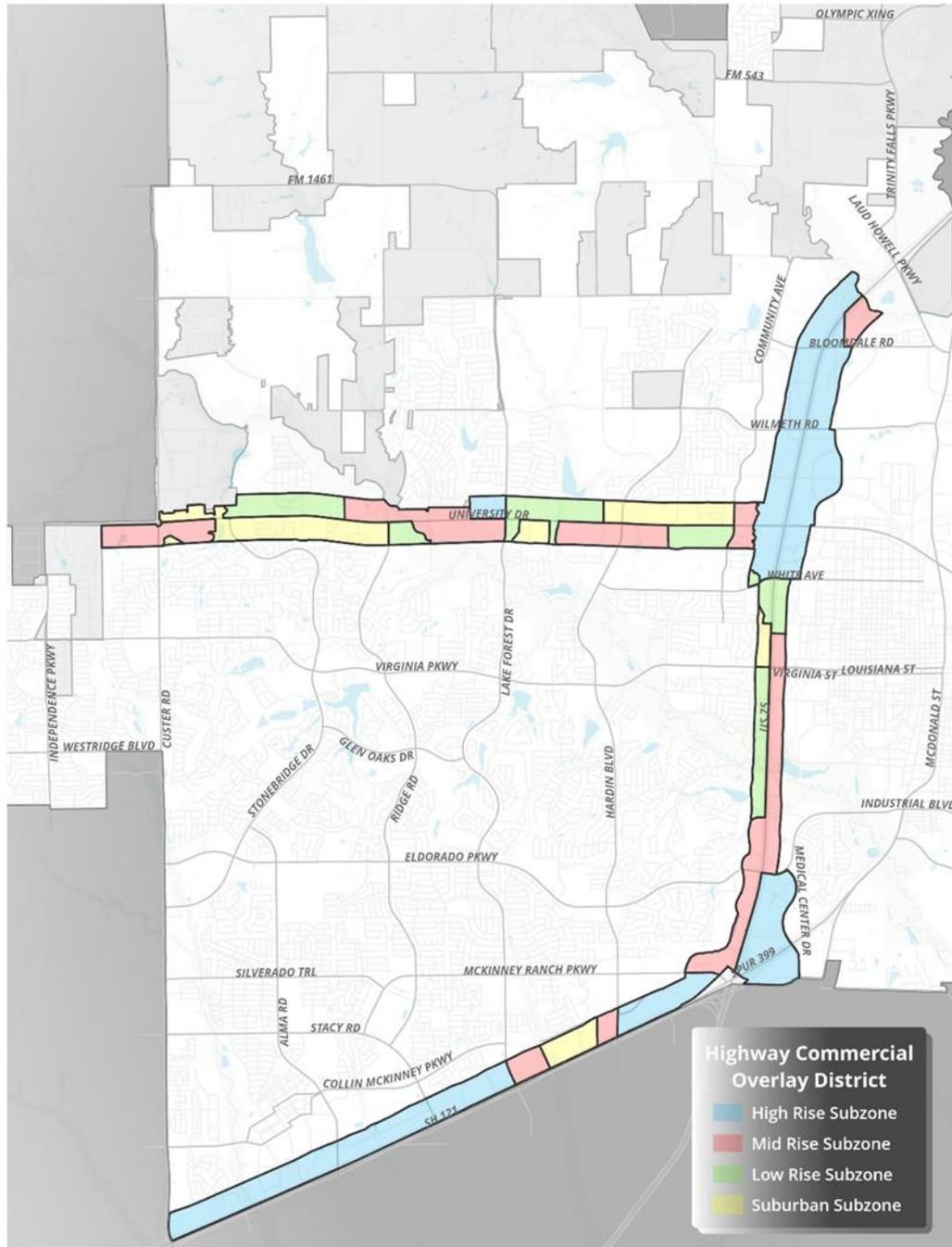


Figure 2-21: HC Overlay Boundary Map

## BB. TMN - Traditional McKinney Neighborhood Overlay

### 1. Purpose

The intent of the Traditional McKinney Neighborhood (TMN) Overlay district is to allow modifications to the standards of the underlying base zoning district to help facilitate redevelopment. The overlay district is intended as supplemental regulation, used in conjunction with the property's underlying zoning district.

### 2. Applicability

The provisions of this section apply only to those uses and lots specifically identified herein.

### 3. District Boundary Map

The official boundaries of the TMN Overlay district are shown in Figure 2-12: TMN Overlay Boundary Map.

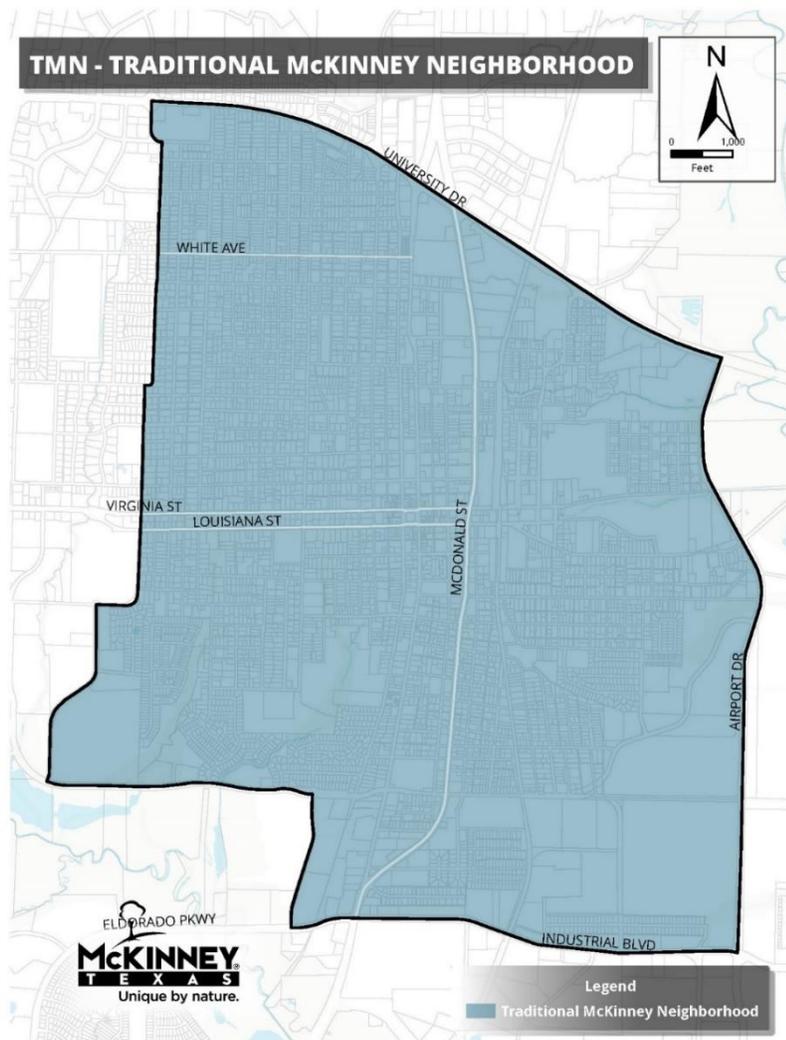


Figure 2-12: TMN Overlay Boundary Map

**4. District Standards**

**a. Single-Family Residential Uses and Structures**

The following space limits shall apply to single-family residential lots and structures in the TMN Overlay district:

<b>Table 2-23: TMN Dimensional Standards</b>	
<b>Lot Dimensions (minimum, as percent of underlying base district)</b>	
Lot area (sq ft)	80%
Lot width (ft)	90%
Lot depth (ft)	90%
<b>Building Setbacks (minimum, as percent of underlying base district)</b>	
Front (ft)	80%
Rear (ft)	80%
Side interior (ft)	Same as required in underlying base district
Side corner lot (ft)	80%
<b>Coverage (maximum)</b>	
Lot coverage	95%

**b. Lots zoned BN – Neighborhood Business or BG – General Business Zoning Districts**

Pursuant to §203G.1, Design Exception, the following zoning district requirements may be eligible for a Design Exception:

- I. Residential Adjacency: Residential adjacency setbacks may be reduced to a setback that is no less than the associated standard building setback of the base zoning district. For mixed-use residential and multi-family residential uses with a building height that exceeds 35 feet tall are not able to apply for this design exception.

**CC. Summary Tables of Lot and Building Standards**

**1. Residential Districts**

<b>Table 2-24: Residential Zoning Districts</b>										
Zoning District	§ reference	Lot Standards			Building Setbacks [5]				Max. Height [6]	Max. Density
		Lot Area (sq ft)	Lot Width (ft)	Lot Depth (ft)	Front (ft)	Rear (ft)	Side Interior (ft)	Side at Corner (ft)	Building Height (ft)	Density (du/acre)
<b>Single-Family Residential Districts</b>										
<b>R43</b>	204D	43,560	150	150	35	35	20	35	45	n/a
<b>R12</b>	204E	12,000	80	120	25	20	10	20	35	n/a
<b>R8</b>	204F	8,000	60	100	20	15	5	15	35	n/a
<b>R6</b>	204G	6,000	50	90	20	10	5 [1]	15	35	n/a
<b>R5</b>	204H	5,000	40 [2]	80	20	10	5 [1]	15	35	n/a
<b>R3 [7]</b>	204I	3,000	30 [2]	75	15	10 [8]	5 [1]	15 [8]	35	n/a
<b>TR1.8 [4]</b>	204I	1,800 [3]	22 [2][3]	80 [3]	20	5 [8]	5 [1]	15 [8]	35	24
<b>Multi-Family Residential Districts</b>										
<b>MR</b>	204K	Varies by use – see district standards								
<b>MF36</b>	204L	N/A	60	100	25	20	20	N/A	45	36
<b>MHR</b>	204M	4,500	40	95	20	20	20	N/A	45	36
<b>MTC</b>	See Appendix 2B: McKinney Town Center MTC									

- [1] Setback may be reduced to zero feet, so long as, a minimum building separation of ten feet is maintained between buildings. If a zero-lot line product is to be constructed, this condition shall be applied on a block-by-block basis. The desired zero lot line side of each lot indented to accommodate such a residential product shall be indicated on a setback exhibit associated with an approved plat.
- [2] Lots less than 50 feet in width shall be accessed via alleys abutting the rear of the lot, as required by the Engineering Design Manual
- [3] This district allows for meeting two of three minimum lot standards: area, width, or depth.
- [4] If detached single-family residential uses are constructed within these zoning districts, these uses shall adhere to the dimensional standards governing the “R5” Single-Family Residential district.
- [5] For platted lots over 4,000 square feet, a minimum driveway length of 20 feet shall be provided from the garage door to the street or alley right-of-way line, as required by the Engineering Design Manual. The driveway length may be reduced if a variance is granted by the Director of Engineering and the number of required spaces is provided in an offsite common area or approved on-street parking per Table 2-9: Minimum Vehicle Parking and Stacking Requirements.
- [6] See §204DD, *Special Setback Requirements and Encroachments*.
- [7] See §204EE, *Height Measurements and Exceptions*.
- [8] Any lot in a single-family residential district may use the dimensional standards of the R3 zoning district, provided that the lot is platted with the intent to accommodate a small-lot single-family product, that it is platted as a “small lot” with dimensions allowed under TLGC §211.052, and that this information is indicated on a setback exhibit associated with an approved plat.
- [9] For platted lots 4,000 square feet or under, at least one 9-foot by 20-foot parking space shall be provided on-site, positioned to be perpendicular to the alleyway by which it is accessed. This requirement shall apply to small-lot single-family uses as defined by TLGC §211.052.

2. Non-Residential Zoning Districts

Table 2-25: Non-Residential Zoning Districts									
Zoning District	§ reference	Lot Standards			Building Setbacks				Max. Height [2]
		Lot Area (sq ft)	Lot Width (ft)	Lot Depth (ft)	Front (ft)	Rear (ft)	Side Interior (ft)	Side at Corner (ft)	Building Height (ft)
<b>C1</b>	204N	0	0	0	20	0	0	[1]	35[3]
<b>C2</b>	204O	0	0	0	20	0	0	[1]	45[3]
<b>C3</b>	204P	0	0	0	20	0	0	[1]	55[3]
<b>O1</b>	204Q	0	0	0	20	0	0	[1]	35[3]
<b>O2</b>	204R	0	0	0	20	0	0	[1]	75[3]
<b>AG</b>	204V	5 acres	100	0	35	35	20	25	35
<b>AP</b>	204W	0	0	0	20	0	0	[1]	45
<b>I1</b>	204S	0	50	0	20	0	0	[1]	45
<b>I2</b>	204T	0	50	0	20	0	0	[1]	55
<b>GC</b>	See §204U								
<b>MTC</b>	See Appendix 2B: McKinney Town Center MTC								

[1] Non-residential corner parcels must meet front setbacks on both street-facing frontages.

[2] See §204EE, *Height Measurements and Exceptions*.

[3] For minimum and maximum height requirements for mixed-use residential and multi-family residential buildings in non-residential districts, see §206G, *Multi-Family Residential and Mixed-Use Residential Site Design*.

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## DD. Special Setback Requirements and Encroachments for Residential Lots

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### 1. Purpose

The purpose of this subsection is to provide uniform methods of measurement for interpretation and enforcement of the lot and building standards of this Code.

### 2. Setbacks

#### a. Setbacks on Plats

- I. Where a setback has been established by a filed plat, that setback shall prevail over any setback prescribed by the governing zoning.

#### b. Front Setbacks

- I. Where a block is divided by two or more zoning districts, all lots shall comply with the requirements of the most restrictive front setback for the entire frontage.
- II. Where existing lots front and back to a street:
  - a. A front yard shall be provided along both streets.
  - b. Buildings shall be oriented in a manner that creates a consistent block face, unless noted on the associated plat.
- III. Where any legally existing lot or parcel has no access to a public or private street, and where the lot or parcel fronts on an existing alley, a front setback of not less than one-half the required front setback shall be observed.

#### c. Corner Lots

- I. Corner lots shall be required to provide a front setback for all property frontages adjacent to a street, except where the corner lot is on a block face with no lots fronting on that street. In such cases, the frontage facing the block face with no other lots shall be treated as a side at corner established by the zoning district.
- II. Corner lots shall orient the building façade in the same direction as the interior lots within the same block. For purposes of this requirement, an interior lot is one which adjoins a street (public or private) on only one side.
- III. Where none of these conditions establish a specific lot frontage, during the initial development of a property, a property owner may choose which frontage shall serve as the lot frontage of the property. Once determined, the chosen lot frontage shall not be reduced below the requirements of the zoning district in which the property is located.

### 3. Encroachments

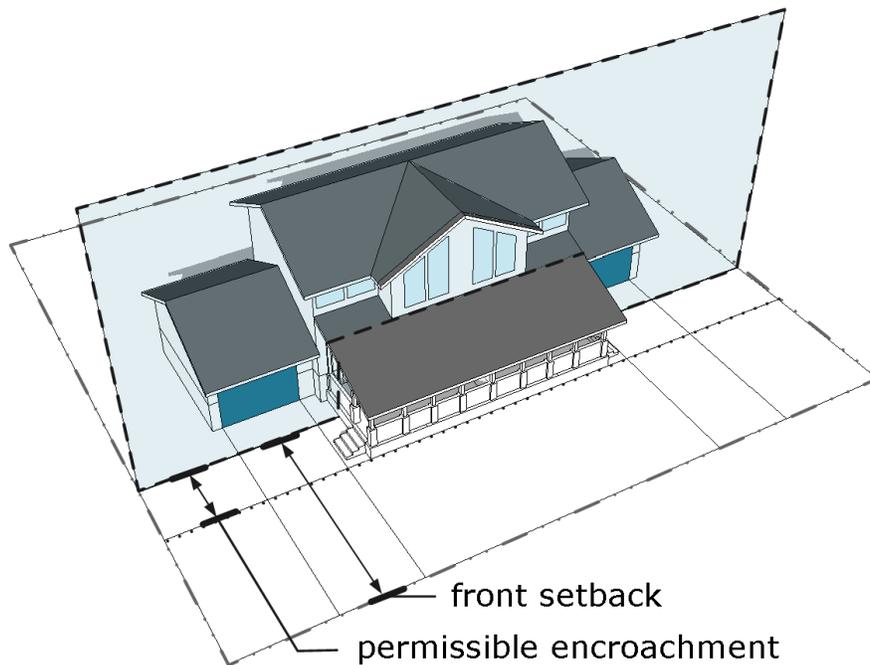
#### a. Generally

- I. Encroachments not specifically listed in this section are not permitted.
- II. The placement of sidewalks and/or steps leading to a porch, patio or similar structure shall not be considered an encroachment.

#### b. Front Yard Encroachments

- I. Paving with concrete, asphaltic concrete, or other similar smooth surfacing material in order to provide necessary pedestrian or vehicular access shall be permitted within the front yard, subject to the following limitations:
  - a. Total pavement area shall not exceed 75 percent of the required front yard.
  - b. Pavement for vehicle maneuvering and parking shall not be permitted between the front door and front property line save and except when a J-swing drive or circle drive is provided.
- II. Subsurface structures, platforms, or slabs may not project beyond the front setback to a height greater than 20 inches above the average grade of the yard.
- III. Eaves and roof extensions may project into the required front yard for a distance no more than four feet.

- IV. Within the R6 and R5 residential districts, a ten-foot encroachment zone shall be permitted between the front setback and the front property line within which porches, patios, and similar structures may be constructed. For the purposes of this section, porches and patios shall mean covered, open air recreation spaces which may or may not feature railings and/or low walls (approximately 30 to 40 inches in height as measured from the finished floor level of the space) to create a sense of enclosure. Covered, open air spaces that feature floor to ceiling walls with or without windows or other openings (example: sun rooms, sun porch, solarium, greenhouse) shall not constitute a porch or patio.



**Figure 2-13: Front Yard Encroachment**

**c. Side Yard Encroachments**

- I. Every part of the required side yard shall be open and unobstructed from ground to sky, except for permitted accessory buildings or structures, and the ordinary projections of windowsills, belt courses, and other architectural features, that may project up to 12 inches into the required side yard, and roof eaves that may project up to 24 inches into the required side yard.

## EE. Height Measurements and Exceptions

### 1. Building Height

#### a. Measuring Building Height

Building height shall be measured as the vertical distance between the average of the highest and lowest points of grade of the lot to the highest point of the structure. For buildings with roofs that have a slope of 5:12 or greater, the height shall be measured to the midpoint of the roof.

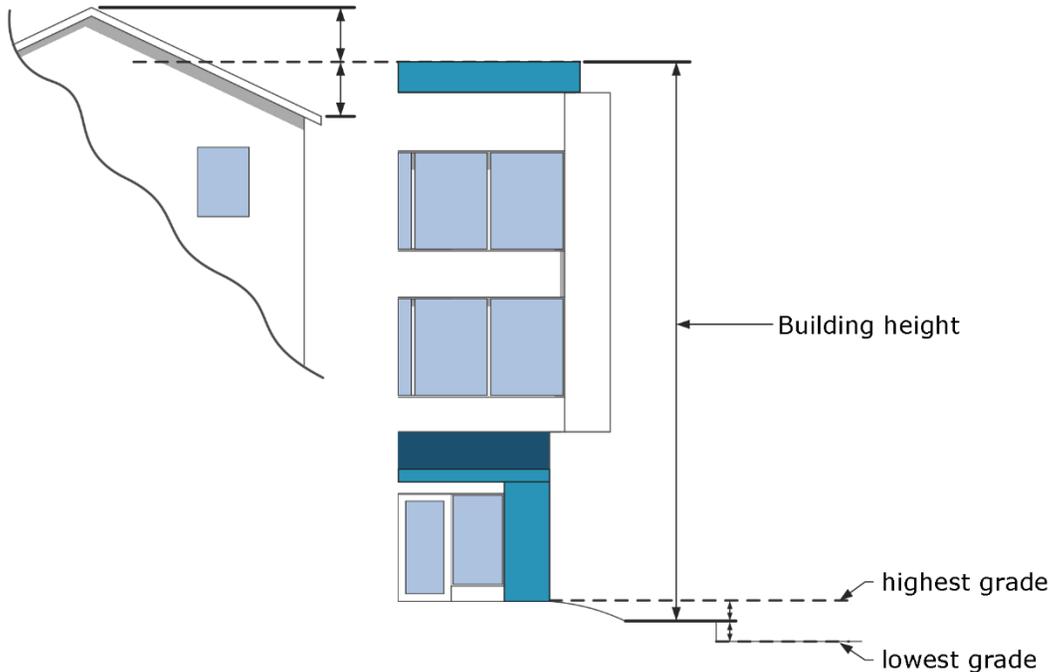


Figure 2-14: Building Height

#### b. Exceptions

- I. Cooling towers, chimneys, and vent stacks may extend no more than 5 feet above the maximum height allowed by the governing district. Water standpipes and tanks, church steeples, domes, spires, school buildings, and institutional buildings may be erected to exceed three stories in height; provided that one additional foot shall be added to the width and depth of the front, side, and rear yards for each foot that such structures exceed the maximum building height. This provision shall not apply to the MTC - McKinney Town Center zoning district.
- II. No structure may be erected to a height that exceeds the heights permitted by the Federal Aviation Administration (FAA) regulations and [Chapter 118 of the Code of Ordinances](#). If there is a conflict between the maximum height allowed by the zoning district or this section and the FAA's regulations, the FAA's height regulations shall prevail. If there is a conflict between the maximum height allowed by the zoning district or this section and [Chapter 118 of the Code of Ordinances](#), Chapter 118's height regulations shall prevail.
- III. In any district (except the MTC - McKinney Town Center zoning district) where religious assemblies are allowed, the maximum height of the primary structure may exceed the standard maximum height of the district, provided that:
  - a. The maximum height of the primary structure shall be 75 feet;

## Article 2: Zoning Regulations

### 204 Zoning Districts

#### EE Height Measurements and Exceptions

- b. The standard minimum setback for the district for the religious assembly property shall be increased by three feet for each additional one foot of building height in excess of the standard maximum height of the district;
- c. The minimum setback shall be 50 feet; and
- d. The first 25 feet from all property lines shall be reserved as a landscape buffer, with evergreen trees planted a minimum of every 40 feet.

## 205 Use Regulations

### A. Purpose

This section identifies the land uses allowed in McKinney's zoning districts and establishes standards that apply to certain uses with unique characteristics or impacts.

### B. Table of Uses

#### 1. Explanation of Use Permission Abbreviations

##### a. Uses Permitted By-Right

"P" in a cell indicates that the use is permitted by right in the respective zoning district. Permitted uses are subject to all other applicable regulations of the Code.

##### b. Uses Permitted By-Right, in Compliance with Use-Specific Criteria

"C" in a cell indicates that the use is permitted by right in the respective zoning district, provided that it meets the additional use-specific criteria that are described in this section of this Code.

##### c. Uses Permitted by Specific Use Permit

"S" in a cell indicates that the use is permitted in the respective zoning district only if a Specific Use approval is granted pursuant to the procedure described in §203C.3, *Specific Use Permit*. Approved specific uses continue to be subject to all other applicable regulations of this Code.

##### d. Prohibited Uses

A blank cell indicates that the use is prohibited in the respective zoning district.

##### e. Accessory Uses

"A" in a cell indicates that the use is only permitted in the respective zoning district as an accessory use.

##### f. Temporary Uses

"T" in a cell indicates that the use is only permitted in the respective zoning district as a temporary use.

#### 2. Table Organization

In Table 2-26: Table of Uses, land uses and activities are classified into general use categories and specific use types based on common functional or physical characteristics. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity that may appropriately exist within each use category.

#### 3. Use for Other Purposes Prohibited

All uses not specifically listed are prohibited and shall be unlawful unless the Director of Planning has determined an appropriate use type for the unlisted use pursuant to the procedure in §205B.4 below.

#### 4. Classification of New and Unlisted Uses

New types of land uses will develop over time and such uses may seek to locate within the City. The following procedure shall apply if an application is submitted for a use type that is not specifically listed in Table 2-26: Table of Uses. Submission and approval of such an application shall be required prior to approval of any other permit or development approval associated with the use.

##### a. Review and Approval Process

- I. The Director of Planning shall review the new and unlisted use to determine if it is materially similar to a listed use type by considering characteristics including the following: whether it includes dwellings, sales, processing, or storage; employment and operational characteristics; potential nuisances; requirements for public utilities; and transportation requirements.
- II. If the Director determines that the new and unlisted use is materially similar to a listed use type, the new and unlisted use type shall be treated as being the same as the listed use type to which it is materially similar.
- III. If the Director determines that the new and unlisted use is not materially similar to any listed use type, the application shall be forwarded to the Planning and Zoning Commission for

- recommendation and to the City Council for a decision. The referral from the Director shall include recommendations regarding the following:
- a. The zoning district(s) in which the use type should be allowed;
  - b. The parking ratio, existing or new, that should be applied to the use type;
  - c. The definition for the proposed use type; and
  - d. Any other conditions or standards that should be adopted to ensure the proper development of the use type.
- IV.** New and unlisted uses which are approved by the City Council shall be adopted by resolution until the approved new and unlisted use can be formally incorporated into this Article through the procedure outlined in §203C.1, *Code Text Amendment*.

5. Table of Uses

Table 2-26: Table of Uses																					
NOTE: See Appendix 2B: MTC - McKinney Town Center for MTC use table.																					
Use Definition & Standards	Use Definition & Standards	SINGLE-FAMILY RESIDENTIAL							MULTI-FAMILY RESIDENTIAL			NON-RESIDENTIAL					INDUS-TRIAL		OTHER		
		R43	R12	R8	R6	R5	R3	TR1.8	MR	MF36	MHR	C1	C2	C3	O1	O2	I1	I2	GC	AG	AP
<b>Residential Uses</b>																					
Single-family detached	205D.1	P	P	P	P	P	P		P										P		
Single-family attached	205D.2						P	P	P												
Small-lot single-family, attached	205D.3						C	C													
Small-lot single-family, detached	205D.4	C	C	C	C	C	C	C													
Duplex	205D.5							P	P												
Triplex	205D.6							P	P												
Quadplex	205D.7							P	P												
Manufactured home	205D.8									C											
Multi-family, cottage	205D.9								P	P	C	C		C							
Multi-family, traditional	205D.10								P	P		S	C		C						
Mixed-use Residential	205D.11										C	C	C	C	C						
Independent living	205D.12								P	P	S	S	S	S	S						
<b>Group Living</b>																					
Assisted living facility	205E.1							S	P	P		P	P	P	S	S					
Community care home	205E.2	C	C	C	C	C	C	C	C	C											
Community care facility	205E.3											S	P	P			P	P			
Community transition facility	205E.4																S	P			

Table 2-26: Table of Uses																				
NOTE: See Appendix 2B: MTC - McKinney Town Center for MTC use table.																				
Use Definition & Standards	SINGLE-FAMILY RESIDENTIAL							MULTI-FAMILY RESIDENTIAL			NON-RESIDENTIAL					INDUS-TRIAL		OTHER		
	R43	R12	R8	R6	R5	R3	TR1.8	MR	MF36	MHR	C1	C2	C3	O1	O2	I1	I2	GC	AG	AP
P = Permitted use C = Add'l use-specific criteria Blank cell = Prohibited use S = Specific Use Permit required A = Accessory use T = Temporary use																				
Crisis support home	205E.5	C	C	C	C	C	C	C	C	C										
Crisis support facility	205E.6												C			P	P			
Displacement shelter	205E.7												S			S	P			
Non-Residential Uses																				
Agricultural and ranching, private or wholesale	205F.1	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Agricultural and ranching, retail	205F.2												S			P	P		S	
Airport, heliport, landing field, and aircraft hangar	205F.3																S			P
Airport terminal	205F.4																			P
Amenity center, neighborhood	205F.5	P	P	P	P	P	P	P	P	P										
Animal care and services, indoor only	205F.6										P	P	P	P		P	P		P	
Animal care and services, outdoor area	205F.7										S	S	P			P	P		P	
Animal care and services, outdoor boarding	205F.8												S			P	P		S	
Arts or cultural center	205F.9	S	S	S	S	S	S	S	S	P	S				P	P	P	P	P	S
Auto, motorcycle, truck, or boat, rental or sales	205F.10												S			S	P			
Banks and financial services	205F.11										P	P	P	P	P	P	P			
Batch plant	205F.12																P			
Body art studio	205F.13												C			P	P			

Table 2-26: Table of Uses																				
NOTE: See Appendix 2B: MTC - McKinney Town Center for MTC use table.																				
Use Definition & Standards	SINGLE-FAMILY RESIDENTIAL							MULTI-FAMILY RESIDENTIAL			NON-RESIDENTIAL					INDUSTRIAL		OTHER		
	R43	R12	R8	R6	R5	R3	TR1.8	MR	MF36	MHR	C1	C2	C3	O1	O2	I1	I2	GC	AG	AP
Car wash	205F.14										<u>S</u>	<u>C</u>	<u>C</u>			P	P			
Cemetery	205F.15																<u>S</u>		<u>S</u>	
Civic club or fraternal organization	205F.16							P	P		<u>S</u>	P	P	<u>S</u>	P	P	P			
Clinic, medical or dental	205F.17										P	P	P	P	P	P	P			
College or university	205F.18							P	P			P	P	P	P	P	P	P	<u>S</u>	P
Commercial entertainment, indoor	205F.19										<u>S</u>	P	P		P	P	P	P		
Commercial entertainment, outdoor	205F.20								<u>S</u>			<u>S</u>	<u>S</u>		<u>S</u>	P	P	P	<u>S</u>	
Commercial laundry	205F.21															P	P			
Community garden	205F.22	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>							
Contractor's yard	205F.23															<u>S</u>	P			
Cottage industrial	205F.24											<u>C</u>	<u>C</u>			<u>C</u>	<u>C</u>			
Country club	205F.25	P	P	P	P	P	P	P	P	P	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	
Craft Consumables	205F.26											<u>C</u>	P			P	P		<u>S</u>	
Data center	205F.27												<u>S</u>		P	P	P	P		
Day care center	205F.28									<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>			<u>C</u>
Dirt or topsoil extraction, sand or gravel mining or storage	205F.29															<u>S</u>	P		<u>S</u>	
Dispatch office	205F.30											<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>
Electric vehicle charging facility	205F.31											<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>
Fairgrounds or rodeo grounds	205F.32															P	P		<u>S</u>	

Table 2-26: Table of Uses																				
NOTE: See Appendix 2B: MTC - McKinney Town Center for MTC use table.																				
Use Definition & Standards	SINGLE-FAMILY RESIDENTIAL							MULTI-FAMILY RESIDENTIAL			NON-RESIDENTIAL					INDUSTRIAL		OTHER		
	R43	R12	R8	R6	R5	R3	TR1.8	MR	MF36	MHR	C1	C2	C3	O1	O2	I1	I2	GC	AG	AP
Farmers' market, permanent	205F.33										<u>S</u>	P	P			P	P	P	P	
Food and beverage processing	205F.34															P	P			
Fuel sales, passenger vehicles	205F.35										<u>S</u>	<u>C</u>	<u>C</u>		<u>S</u>	<u>C</u>	<u>C</u>			
Fuel sales, truck	205F.36															<u>S</u>	<u>S</u>			
Funeral home or mortuary	205F.37								<u>S</u>			<u>S</u>	P			P	P		<u>S</u>	
Government facilities (city, excluding airport uses)	205F.38	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Government or public facility (non-city)	205F.39											<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Greenhouse or plant nursery	205F.40											P	P			P	P		P	
Gun range, indoor	205F.41											<u>C</u>	P			P	P	P	<u>S</u>	
Gun range, outdoor	205F.42																<u>S</u>	<u>S</u>		
Gym or fitness studio	205F.43										<u>C</u>	P	P	<u>C</u>	P	P	P			
Heavy machinery, rental, sales, and storage	205F.44												<u>S</u>			<u>S</u>	P			
Hospital	205F.45								P		<u>S</u>	P	P	<u>S</u>	P	P	P			
Hotel or motel	205F.46											P	P	P	P	P	P			P
Impound lot or yard	205F.47															P	P			
Junk or salvage yard	205F.48																<u>S</u>			
Livestock auction	205F.49															P	P		P	
Manufacturing, heavy	205F.50																P			

Table 2-26: Table of Uses																				
NOTE: See Appendix 2B: MTC - McKinney Town Center for MTC use table.																				
Use Definition & Standards	SINGLE-FAMILY RESIDENTIAL							MULTI-FAMILY RESIDENTIAL			NON-RESIDENTIAL					INDUS-TRIAL		OTHER		
	R43	R12	R8	R6	R5	R3	TR1.8	MR	MF36	MHR	C1	C2	C3	O1	O2	I1	I2	GC	AG	AP
Manufacturing, light	205F.51															P	P			
Motor freight terminal	205F.52															P	P			
Office showroom/warehouse	205F.53											<u>S</u>	P		P	P	P			
Office	205F.54										P	P	P	P	P	P	P		P	P
Parking garage or lot, paid or private	205F.55								P		<u>S</u>	P	P	<u>S</u>	P	P	P			P
Pawn shop	205F.56															P	P			
Personal service	205F.57										P	P	P	P	P	P	P			P
Power plant or electrical generating station	205F.58															P	P			
Radio or TV broadcast station	205F.59										<u>C</u>	<u>C</u>	P	<u>C</u>	P	P	P			
Railroad freight terminal	205F.60															P	P			
Reception or event center, indoor	205F.61											P	P	P	P	P	P		<u>S</u>	
Reception or event center outdoor	205F.62											<u>S</u>	<u>C</u>		<u>S</u>	P	P		<u>S</u>	
Recreation area, private	205F.63	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	
Recreational vehicles, rental or sales	205F.64												<u>S</u>			<u>S</u>	P			
Recycling facility	205F.65															<u>C</u>	P			
Refining or storage of petroleum, natural gas, butane, or propane	205F.66																P			
Religious assembly	205F.67	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>						
Restaurant, brew pub	205F.68										<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>			<u>C</u>

Table 2-26: Table of Uses																				
NOTE: See Appendix 2B: MTC - McKinney Town Center for MTC use table.																				
	Use Definition & Standards	SINGLE-FAMILY RESIDENTIAL						MULTI-FAMILY RESIDENTIAL			NON-RESIDENTIAL					INDUSTRIAL		OTHER		
		R43	R12	R8	R6	R5	R3	TR1.8	MR	MF36	MHR	C1	C2	C3	O1	O2	I1	I2	GC	AG
Restaurant, carry out and delivery only	205F.69										<u>C</u>	<u>C</u>	P		P	P	P			
Restaurant, dine-in	205F.70										<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>			<u>C</u>
Restaurant, drive-in or drive-through	205F.71										<u>S</u>	<u>C</u>	<u>C</u>			<u>C</u>	<u>C</u>			
Retail sales	205F.72										<u>C</u>	<u>C</u>	<u>C</u>	<u>S</u>	<u>S</u>	<u>C</u>	<u>C</u>	<u>C</u>		
Sanitary landfill	205F.73																<u>S</u>	<u>S</u>		
School, business or trade	205F.74										<u>S</u>	P	P	P	P	P	P		<u>S</u>	P
School, public, private or parochial	205F.75	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Self-storage	205F.76											<u>S</u>	<u>S</u>			P	P			
Solar farm	205F.77															P	P		P	
Stable, commercial	205F.78												<u>S</u>			<u>C</u>	<u>C</u>		<u>C</u>	
Stockyard or slaughterhouse	205F.79																P			
Storage, automobile	205F.80												<u>S</u>			P	P			
Storage, boat, truck, or recreational vehicle	205F.81															P	P			
Traders' village	205F.82																P			
Transportation station	205F.83												<u>S</u>			<u>S</u>	<u>S</u>	<u>S</u>		
Truck stop	205F.84																<u>S</u>			
Utility substation	205F.85	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
Vehicle repair, major	205F.86												<u>S</u>			P	P			
Vehicle repair, minor	205F.87										<u>S</u>	P				P	P			

Table 2-26: Table of Uses																				
NOTE: See Appendix 2B: MTC - McKinney Town Center for MTC use table.																				
Use Definition & Standards	SINGLE-FAMILY RESIDENTIAL							MULTI-FAMILY RESIDENTIAL			NON-RESIDENTIAL					INDUS-TRIAL		OTHER		
	R43	R12	R8	R6	R5	R3	TR1.8	MR	MF36	MHR	C1	C2	C3	O1	O2	I1	I2	GC	AG	AP
P = Permitted use C = Add'l use-specific criteria Blank cell = Prohibited use S = Specific Use Permit required A = Accessory use T = Temporary use																				
Warehouse	205F.88															P	P			
Water or wastewater treatment plant	205F.89																P	P		
Accessory Uses																				
<i>Note: for all allowed accessory uses, specific requirements shall apply; see section 205G.</i>																				
Accessory building, detached	205G.2.a	A	A	A	A	A	A	A	A	A									A	
Accessory dwelling unit	205G.2.b	A	A	A	A	A	A												A	
Accessory structure	205G.2.c	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Caretaker's or watchman's quarters	205G.2.d											A	A			A	A		A	
Drone delivery	205G.2.e										A	A	A			A	A			
Electric vehicle charging station	205G.2.f	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Helistop	205G.2.g											A	A	A	A	A	A	A	A	A
Home occupation	205G.2.h	A	A	A	A	A	A	A	A	A									A	
Outdoor storage	205G.2.i										A	A	A	A	A	A	A	A	A	A
Swimming pool	205G.2.j	A	A	A	A	A	A	A	A	A									A	
Temporary Uses																				
<i>Note: for all allowed Temporary uses, specific requirements shall apply; see section 205H.</i>																				
Batch plant (outdoor), temporary	205H.3.a	I	I	I	I	I	I						I		I	I	I	I	I	I
Construction field office	205H.3.b	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I
Model home	205H.3.c	I	I	I	I	I	I													
Portable storage container	205H.3.d	I	I	I	I	I	I	I	I	I									I	

Table 2-26: Table of Uses																				
NOTE: See Appendix 2B: MTC - McKinney Town Center for MTC use table.																				
	Use Definition & Standards	SINGLE-FAMILY RESIDENTIAL						MULTI-FAMILY RESIDENTIAL			NON-RESIDENTIAL					INDUS-TRIAL		OTHER		
		R43	R12	R8	R6	R5	R3	TR1.8	MR	MF36	MHR	C1	C2	C3	O1	O2	I1	I2	GC	AG
Religious or philanthropic uses	205H.3.e	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I		I	I
Seasonal sales	205H.3.f	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I
Warming station	205H.3.g	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I
Special Uses																				
Bed & breakfast	205I.1	S	S	S	S	S													S	
Donation collection container	205I.2											A	A	A	A	A	A			
Food truck courts	205I.3								S	S	S	S	S	S	S	C	C	C	S	
Food truck operation sites	205I.4							C	C	C	C	C	C	C	C	C	C	C	C	C
Oil and natural gas well drilling and operations	205I.5																P			
Private club	205I.6											S	S	S		S	S		S	S
Sexually-oriented business	205I.7																C			
Telecommunication Structure, High Rise	205I.8								S		S	S	S	S	S	S	S	S		S
Telecommunication Structure, Low Rise	205I.9	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Telecommunication Structure, Stealth	205I.10	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Wind energy conversion system (WECS)	205I.11							C	C		C	C	C	C	C	C	C	C	C	C

## C. Use Definitions and Use-Specific Standards

1. The use-specific standards listed in this section apply to those uses listed on the same line of the Table of Allowed Uses in §205B.5, regardless of their respective level of permission.
2. Use-specific standards in this section apply to all zoning districts unless otherwise stated.
3. Should any use-specific standards conflict with the standards in §206, *Development Standards*, these use-specific standards apply unless otherwise stated.

## D. Residential Uses

### 1. Single-Family Detached [\(back to table\)](#)

A dwelling unit designed and constructed for occupancy by one household and located on a single lot or tract that has no physical connection to a building located on any other lot or tract.

### 2. Single-Family Attached [\(back to table\)](#)

A dwelling unit that is joined to another dwelling at one or more sides by a party wall or abutting separate wall, which is designed for occupancy by one household and located on a separately platted lot, delineated by front, side and rear lot lines and served by separate utility connections and meters as a single-family dwelling.

### 3. Small Lot Single-Family Attached

A dwelling unit situated on a lot that is 4,000 square feet or less and that is joined to another dwelling at one or more sides by a party wall or abutting separate wall, which is designed for occupancy by one household and located on a separately platted lot, delineated by front, side and rear lot lines and served by separate utility connections and meters as a single-family dwelling.

#### a. Where Table 2-26: Table of Uses, indicates "C":

- I. The use is permitted by operation of law pursuant to Chapter 211, Supchapter D of TLGC and shall only be allowed on tracts that meet the applicability requirements outlined in §211.052 of the TLGC;
- II. An exception for lots platted over 4,000 square feet may be considered "small lot" single-family and an exception for lots on cul-de-sacs, corners, etc. may be allowed provided that each abutting lot on its sides is also a "small lot" with dimensions allowed under TLGC §211.052, or if the lot is part of a block that has a majority of its lots platted using those aforementioned dimensional standards;
- III. Lots with this use shall add a note indicating the use on the face of an approved plat and a setback exhibit associated with that approved plat;
- IV. Lots with this use shall be required to meet the minimum standards of R3 – Residential; and
- V. Except where specifically noted otherwise, the use shall be considered a single-family attached use for all other relevant sections of this code.

### 4. Small Lot Single-Family Detached

A dwelling unit situated on a lot that is 4,000 square feet or less, designed and constructed for occupancy by one household and located on a single lot or tract that has no physical connection to a building located on any other lot or tract.

#### a. Where Table 2-26: Table of Uses, indicates "C":

- I. The use is permitted by operation of law pursuant to Chapter 211, Supchapter D of TLGC and shall only be allowed on lots that meet the applicability requirements outlined in §211.052 of the TLGC;
- II. An exception for lots platted over 4,000 square feet may be considered "small lot" single-family and an exception for lots on cul-de-sacs, corners, etc. may be allowed provided that each abutting lot on its sides is also a "small lot" with dimensions allowed under TLGC §211.052, or if the lot is part of a block that has a majority of its lots platted using those aforementioned dimensional standards;
- III. Lots with this use shall add a note indicating the use on the face of an approved plat and a setback exhibit associated with that approved plat;
- IV. Lots with this use shall be required to meet the minimum standards of R3 – Residential; and

- V. Except where specifically noted otherwise, the use shall be considered a single-family detached use for all other relevant sections of this code.

**5. Duplex** ([back to table](#))

A single structure designed and constructed with two dwelling units under a single roof for occupancy by two households on a single lot or tract.

**6. Triplex** ([back to table](#))

A single structure designed and constructed with three dwelling units under a single roof for occupancy by three households on a single lot or tract.

**7. Quadplex** ([back to table](#))

A single structure designed and constructed with four dwelling units under a single roof for occupancy by four households on a single lot or tract.

**8. Manufactured Home** ([back to table](#))

A structure built in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974 and Title of the Housing and Community Development Act of 1974. A dwelling unit that is designed and built in a factory, which bears a seal certifying that it was built in compliance with the standards of the United States Department of Housing and Urban Development applicable to such structures. This definition shall also include manufactured housing as described in Chapter 138, Article III, of the City's Code of Ordinances.

- a. Where Table 2-26: Table of Uses indicates an "C":

- I. The use shall comply with the standards in [Chapter 138, Article III, Mobile Homes, Manufactured Homes, and Recreational Vehicles](#).

**9. Multi-Family, Cottage** ([back to table](#))

A single lot containing three or more dwelling units. Each individual building shall contain no more than eight dwelling units and may be built as single-unit, duplex, triplex, quadplex, or rowhouse-style buildings.

- a. Where Table 2-26: Table of Uses indicates an "C":

- I. The use is permitted by operation of law pursuant to TLGC §218; and
- II. Development of the site shall comply with the applicable requirements in [§206G.6, Design Standards](#).

**10. Multi-Family, Traditional** ([back to table](#))

A single lot containing five or more dwelling units. No less than five dwelling units shall be provided within each individual building. An apartment is one of the individual units within the multi-family building(s).

- a. Where Table 2-26: Table of Uses indicates an "C":

- I. The use is permitted by operation of law pursuant to TLGC §218; and
- II. Development of the site shall comply with the applicable requirements in [§206G.6, Design Standards](#).

**11. Mixed-Use Residential** ([back to table](#))

A single lot containing five or more dwelling units and other non-residential uses permitted in the zoning district within the same building.

- a. Where Table 2-26: Table of Uses indicates an "C":

- I. The use is permitted by operation of law pursuant to TLGC §218 and subject to the applicability requirements in TLGC 218.101; and
- II. Development of the site shall comply with the applicable requirements in [§206G.6, Design Standards](#).

**12. Independent Living** ([back to table](#))

A private age-restricted facility, also known as a retirement community, that provides its residents community dining with on-site meal preparation and service and transportation services, and may also include light housekeeping and/or recreational/enrichment/socialization activities. These facilities do not provide any on-site health supervision or related care for residents. Senior Independent Living shall follow the multi-family development standards.

- a. Where Table 2-26: Table of Uses indicates an "S":

- I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

## E. Group Living

### 1. Assisted Living Facility [\(back to table\)](#)

A building (s) designed to provide housing for persons who need assistance with the activities of daily living, such as bathing, dressing, medication management, meal preparation, or other functions. This type of facility may also provide meals, housekeeping, transportation, and community facilities, including central dining rooms and activity rooms for persons who reside in the facility. This definition also includes nursing homes, convalescent homes, and rest homes.

#### a. Where Table 2-26: Table of Uses indicates an “S”:

- I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

### 2. Community Care Home [\(back to table\)](#)

A community-based residential home as defined and regulated by Chapter 123 of the Human Resources Code for persons with disabilities (limited to no more than 6 persons with disabilities plus 2 staff in the home at the same time).

#### a. Where Table 2-26: Table of Uses, indicates “C”:

- I. This use shall be limited to no more than six residents and two staff members; and
- II. No new community care home shall be established within a half-mile of any other use in the Group Living category.

### 3. Community Care Facility [\(back to table\)](#)

Housing for persons who need assistance with the activities of daily living, such as bathing, dressing, medication management, meal preparation, or other functions. This type of facility may also provide meals, housekeeping, transportation, and community facilities, including central dining rooms and activity rooms for persons who reside in the facility. This definition also includes nursing homes, convalescent homes, rest homes, and other facilities that may serve people with a variety of medical needs, including treatment for drug or alcohol addiction.

#### a. Where Table 2-26: Table of Uses indicates an “S”:

- I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

### 4. Community Transition Facility [\(back to table\)](#)

A facility that provides housing and support for people who are preparing to reintegrate into society after incarceration. Support services may be provided at this type of facility, including employment and education support, food, and clothing.

#### a. Where Table 2-26: Table of Uses indicates an “S”:

- I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

### 5. Crisis Support Home [\(back to table\)](#)

A temporary residence which provides special care for survivors of domestic violence or emotional or mental abuse.

#### a. Where Table 2-26: Table of Uses, indicates “C”:

- I. This use shall be limited to no more than 6 persons plus two staff members; and
- II. No new crisis support home shall be established within a half-mile of any other use in the Group Living category.

**6. Crisis Support Facility** [\(back to table\)](#)

A temporary residence which provides special care for survivors of domestic violence or emotional or mental abuse, except in the C2 zoning district.

- a. Where Table 2-26: Table of Uses, indicates “C”:
  - I. This use shall be limited to no more than 12 residents at the same time. The maximum number of allowable residents may be increased with the approval of a Specific Use Permit.

**7. Displacement Shelter** [\(back to table\)](#)

A supervised private facility that provides temporary living accommodations for homeless persons. Such shelters are temporary housing for individuals and families experiencing homelessness.

- a. Where Table 2-26: Table of Uses indicates an “S”:
  - I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

**F. Non-Residential Uses**

**1. Agriculture and Ranching, Private or Wholesale** [\(back to table\)](#)

A form of agriculture focused on raising animals or crops. Animal agriculture focuses on the breeding, raising, and sheltering large or small livestock or poultry for sale or use, or for the sale or use of their products or byproducts. Animal agriculture includes ranching, dairy farming, grazing, and pasturing, but does not include operation of a commercial feedlot, slaughterhouse, creamery, or animal rendering. Crop agriculture focuses on planting and harvesting fruit, vegetables, grain, and timber or trees for sale or use. Uses classified as agriculture and ranching, private or wholesale, are not open to the general public.

**2. Agriculture and Ranching, Retail** [\(back to table\)](#)

A form of agriculture focused on raising animals or crops. Animal agriculture focuses on the breeding, raising, and sheltering large or small livestock or poultry for sale or use, or for the sale or use of their products or byproducts. Crop agriculture focuses on planting and harvesting fruit, vegetables, grain, and timber or trees for sale or use. Agriculture and ranching, retail uses are open to the general public, with produce, animal products, and byproducts sold directly to consumers. These establishments may offer on-site tastings, or offer activities including hayrides, horse rides, or allowing customers to pick their own produce.

- a. Where Table 2-26: Table of Uses indicates an “S”:
  - I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

**3. Airport, Heliport, Landing Field, and Aircraft Hangar** [\(back to table\)](#)

A landing area, runway, or other facility designed, used, or intended to be used for air transportation, including all necessary taxiways, control towers, aircraft storage and tie-down areas, hangars, and other necessary buildings, facilities, and open spaces. Auxiliary facilities may include parking, waiting rooms, fueling, and maintenance equipment.

- a. Where Table 2-26: Table of Uses indicates an “S”:
  - I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*, together with any applicable requirements set out in Chapter 30 - Aviation and Chapter 118 – Airport Height, Hazard, and Land Use Regulations of the McKinney Code.

**4. Airport Terminal** [\(back to table\)](#)

A building that serves as an arrival and departure facility for aircraft service, and that offers passenger-serving uses that include, but are not limited to, duty-free and general retail, restaurants, and personal services.

**5. Amenity Center, Neighborhood** [\(back to table\)](#)

Recreational facilities as part of a private residential development including clubhouses, swimming pools, or play areas, operated for the exclusive use of private residents or neighborhood groups and their guests, but

not accessible to the general public. A neighborhood amenity center may serve any type of residential development.

**6. Animal Care and Services, Indoor Only** ([back to table](#))

A commercial facility where dogs, cats, or other domestic animals are housed, groomed, bred, trained, sold, or boarded during the day or overnight, or a facility where such animals receive medical care. This type of facility does not include an outdoor component, such as an outdoor play area or run.

**7. Animal Care and Services, Outdoor Area** ([back to table](#))

A commercial facility where dogs, cats, or other domestic animals are housed, groomed, bred, trained, sold, or boarded during the day or overnight, or a facility where such animals receive medical care. This type of facility includes an outdoor component, such as an outdoor play area or run, but does not include outdoor pens or kennels for boarding.

**a.** Where Table 2-26: Table of Uses indicates an "S":

- i.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

**8. Animal Care and Services, Outdoor Boarding** ([back to table](#))

A commercial facility where dogs, cats, or other domestic animals are housed, groomed, bred, trained, sold, or boarded during the day or overnight, or a facility where such animals receive medical care. This type of facility includes outdoor pens or kennels for boarding and may also include an outdoor play area or run.

**a.** Where Table 2-26: Table of Uses indicates an "S":

- i.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

**9. Arts or Cultural Center** ([back to table](#))

A public, private, or non-profit institution with the purpose of preserving and displaying objects with cultural significance. This use includes museums, art galleries, libraries, and performing arts centers.

**a.** Where Table 2-26: Table of Uses indicates an "S":

- i.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

**10. Auto, Motorcycle, Truck, or Boat, Rental or Sales** ([back to table](#))

A business involved in the sale, leasing, and rental, of new or used automobiles, commercial vans, trucks, semi-trailer trucks, motorcycles, or boats. Ancillary uses such as service, repair, and washing, may take place on-site in conjunction with this use.

**a.** Where Table 2-26: Table of Uses indicates an "S":

- i.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

**11. Banks and Financial Services** ([back to table](#))

An establishment that provides retail banking services, mortgage lending, or similar financial services to individuals and businesses. This classification includes credit unions, savings institutions, and Automated Teller Machines (ATMs) located within a fully enclosed space or building, or along an exterior building wall intended to serve walk-up customers only.

**12. Batch Plant** ([back to table](#))

A permanent facility that produces concrete or asphalt, where its ingredients or products are ground up, mixed, or otherwise prepared for use on-site or for transportation to another construction site. Requests for operation of a temporary batch plant shall be reviewed and approved by the Director of Engineering.

**13. Body Art Studio** ([back to table](#))

An establishment offering tattooing and/or body piercing services. Tattooing shall mean the permanent placement of designs, letters, figures, symbols, or other marks upon or under the skin by means of the use of needles or other instruments designed to contact or puncture the skin. Body piercing shall mean the creation of an opening in an individual's body to insert jewelry or other decoration. For the purposes of

zoning, jewelry store or other retail facilities that provide piercing as an incidental and accessory use shall not be classified as body art studios.

- a. Where Table 2-26: Table of Uses, indicates "C":
  - I. Body art studios shall not be located within 500 feet of any residential use or zone, or within 1,000 feet of any other body art studio.

**14. Car Wash** ([back to table](#))

A self-service or full-service facility for washing, cleaning and drying vehicles including automobiles, motorcycles, buses, or recreational vehicles. This definition excludes facilities that serve semi-trailer trucks with at least 3 axles that are designed to tow trailers.

- a. Where Table 2-26: Table of Uses, indicates "C":
  - I. This use may not be located within ½ mile of another car wash.
  - II. All buildings, vacuums, outdoor speakers, air and water dispensers, and other structures in conjunction with a car wash use shall be located a minimum of 200 feet away from any residential use or zoning district. This provision shall not apply to a car wash use within 200 feet of a residential use or zoning district that is separated from the residential use or zone by an existing street.
  - III. The provisions above may be modified or eliminated with approval of a Specific Use Permit.
- b. Where Table 2-26: Table of Uses indicates an "S":
  - I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*; and
  - II. The extent to which the proposed request aligns with the "C" standards for this use.

**15. Cemetery** ([back to table](#))

Land dedicated or designated for the burial of human remains or pet animal remains. Cemeteries may include columbaria and mausoleums, when operated in conjunction with and within the boundaries of cemetery grounds.

- a. Where Table 2-26: Table of Uses indicates an "S":
  - I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

**16. Civic Club or Fraternal Organization** ([back to table](#))

A nonprofit membership organization that holds regular meetings and pursues a common interest, usually cultural, civic, religious, or social, and has formal written membership rules along with the requirement for members to pay dues. A "club or lodge" may, subject to other regulations controlling such uses, maintain dining facilities; engage professional entertainment for the enjoyment of members and their guests; or store, sell, possess, or serve any alcoholic beverage permitted by the law of the State of Texas. This definition does not include any form of sleeping accommodations.

- a. Where Table 2-26: Table of Uses indicates an "S":
  - I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

**17. Clinic, Medical or Dental** ([back to table](#))

An establishment where patients receive consultation, diagnosis, and treatment by doctors, dentists, or similar practitioners. This use includes medical services offered exclusively on an outpatient basis, including emergency services such as urgent care centers, and licensed facilities offering substance abuse treatment, blood banks, and plasma centers. A medical clinic may offer permanent makeup services, as long as such services are in conjunction with the medical clinic, and are generally for cosmetic or reconstructive purposes.

**18. College or University** ([back to table](#))

An institute of higher education authorized by the State to award associate, baccalaureate, or higher degrees, which may include on-site student, faculty, and/or employee housing facilities.

- a. Where Table 2-26: Table of Uses indicates an "S":

- I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

**19. Commercial Entertainment, Indoor** ([back to table](#))

An amusement or recreation enterprise wholly enclosed in a building that is treated acoustically to reduce the transmission of sound from the indoor activities. Commercial amusement facilities include indoor recreation area, bowling alley, indoor theatre, skating rink, sports courts, and enclosed trampoline parks.

- a. Where Table 2-26: Table of Uses indicates an "S":

- I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

**20. Commercial Entertainment, Outdoor** ([back to table](#))

An amusement or recreation enterprise offering entertainment or games of skill where any portion of the activity takes place in the open including outdoor recreation area, golf driving range and golf course, archery range, axe-throwing, outdoor theatre, performance venue, miniature golf course, stadiums, and sports courts.

- a. Where Table 2-26: Table of Uses indicates an "S":

- I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

**21. Commercial Laundry** ([back to table](#))

An industrial facility that cleans clothing, carpeting, drapes, and other cloth or synthetic fiber materials using a chemical process. Commercial laundry facilities typically serve commercial or institutional customers, but may provide service to individuals as well.

**22. Community Garden** ([back to table](#))

An area with a lot size of less than 3 acres used to cultivate goods including fruits, vegetables, flowers, and herbs.

- a. Where Table 2-26: Table of Uses indicates "C":

- I. The use shall not engage in the retail sale of any goods.

**23. Contractor's Yard** ([back to table](#))

A lot or portion of a lot or parcel used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor. This definition includes a contractor's office on the same lot or parcel.

- a. Where Table 2-26: Table of Uses indicates an "S":

- I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

**24. Cottage Industrial** ([back to table](#))

An establishment or business where the primary purpose is small-scale and individualized (i.e., not mass-produced) assembly and light manufacturing of commodities and is characterized by low to no external impact. This use includes workshops and studios for cottage industries such as pottery, glassblowing, metal-working and fabrication, weapon bluing, and furniture-making. Cottage industrial enterprises may include direct sales to consumers and repair or rehabilitation of household goods, appliances, or furnishings. This use does not include any maintenance or repair work done on automobiles.

- a. Where Table 2-26: Table of Uses, indicates "C":

- I. All operations shall occur within a fully enclosed building.
- II. The maximum square footage allowed for artisanal manufacturing operations is 20,000 square feet.

**25. Country Club** ([back to table](#))

A privately owned club, with restricted membership. Such a club may include a golf course, swimming pool, cabanas, tennis courts and facilities for dining, entertainment, and other recreational uses.

- a. Where Table 2-26: Table of Uses, indicates "C":

- I. A minimum area of 25 acres is required.

## 26. Craft Consumables [\(back to table\)](#)

A small-scale commercial operation engaged in the production and distribution of any variety of nonalcoholic beverages, alcoholic beverages, and/or food in conjunction with a restaurant or with retail sales for on-site or off-premises consumption, and may offer limited off-site distribution. A Craft Consumables establishment that is less than 20,000 square feet in area shall not be required to have a retail or restaurant component.

- a. Where Table 2-26: Table of Uses, indicates “C”:
  - I. A Craft Consumables establishment shall not exceed 20,000 square feet.
  - II. A Craft Consumables establishment can be up to 50,000 square feet if it contains a restaurant component that accounts for at least 30 percent of the building’s gross floor area.
- b. Where Table 2-26: Table of Uses indicates an “S”:
  - I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, Specific Use Permit; and
  - II. The extent to which the proposed request aligns with the “C” standards for this use.

## 27. Data Center [\(back to table\)](#)

A facility whose primary service is data processing or storage and is used to house computer systems and associated components such as telecommunications and storage systems, including web hosting organizations, and internet service organizations. A server farm, telecom hotel, carrier hotel, telco hotel, telehouse co-location center, or any other term applicable to facilities that are used for these purposes shall be deemed to be a data center.

- a. Where Table 2-26: Table of Uses indicates an “S”:
  - I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

## 28. Day Care Center [\(back to table\)](#)

A facility where children, or elderly and/or people with special needs, receive care from a provider for a period of less than 24 hours per day. The term “Day Care Center” includes the following: nursery schools, childcare centers, Montessori schools, private pre-kindergartens, and play groups. Day care center does not include kindergartens accredited or recognized by the Texas State Board of Education or that are supported in whole or in part by state tax funds. Day care facility also does not include “Assisted Living Facility,” or any other group living situations where residents remain overnight, or for periods of 24 hours or more.

- a. Where Table 2-26: Table of Uses, indicates “C”:
  - I. No portion of the day care center site may be located within 300 feet of gasoline pumps or underground gasoline storage tanks, or any other storage area for explosive materials.
  - II. In the C3, O2, I1, and I2 zoning districts, a day care center shall only be permitted in conjunction with an office building.
  - III. Where required by state law, day care centers shall be and remain licensed by the state and shall operate in accordance with their license and all applicable state laws. A day care center exempt from state licensing requirements shall provide proof of exemption.
  - IV. The provisions above may be modified or eliminated with approval of a Specific Use Permit.

## 29. Dirt or Topsoil Extraction, Sand or Gravel Mining or Storage [\(back to table\)](#)

An area where sand, gravel, or other rocks and minerals are removed from the ground and prepared for sale, along with any structures for containing or storing extracted materials prior to sale.

- a. Where Table 2-26: Table of Uses indicates an “S”:
  - I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

**30. Dispatch Office** [\(back to table\)](#)

An office with the primary purpose of dispatching services to customers off-site. Examples of services provided from such offices include plumbing, heating and air conditioning, extermination, and landscape maintenance. Minor repairs may take place on-site, but the dispatching office shall not serve as a repair shop/workshop. Company vehicles may be stored on-site overnight.

- a. Where Table 2-26: Table of Uses, indicates "C":
  - I. Storage of service vehicles shall be screened from adjacent public right-of-way and adjacent residential zones or uses.

**31. Electric Vehicle Charging Facility** [\(back to table\)](#)

A property that is primarily devoted to charging electric vehicles for free or for a charge. An Electric Vehicle Charging Facility may include structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

- a. Where Table 2-26: Table of Uses, indicates "C":
  - I. Electric vehicle charging parking spaces shall maintain a minimum width of 10 feet.
  - II. EVCS may be de-energized or otherwise restricted after normal business hours of the use(s) it serves.
  - III. Cords shall be retractable or have a place to hang the connector and cord sufficiently above the pedestrian surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.

**32. Fairgrounds or Rodeo Grounds** [\(back to table\)](#)

An open area for holding fairs, exhibitions, rodeos, circuses, or other large gatherings, and that contains a combination of indoor display/exhibition areas and outdoor display/staging areas.

- a. Where Table 2-26: Table of Uses indicates an "S":
  - I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

**33. Farmers' Market, Permanent** [\(back to table\)](#)

An area where space is rented to individual vendors who sell agricultural or horticultural goods. Vendors may also include specialty food producers selling baked goods, candies, jams, jellies, spices, condiments, cheeses, eggs, milk, honey, meats, fish, and pasta, but this definition does not include the sale of arts and crafts products, or any other item not specifically allowed per this ordinance.

- a. Where Table 2-26: Table of Uses indicates an "S":
  - I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

**34. Food and Beverage Processing** [\(back to table\)](#)

A facility which produces food and/or beverages for human consumption in its final form, such as candy, baked goods, dairy products, canned fruit or vegetables, and other items, and the food is distributed to retailers or wholesalers for off-premises resale. Beverages may be alcoholic or non-alcoholic, and may be bottled or canned on-site. This use does not include commercial feedlots, meatpacking, poultry dressing, stockyards, or the processing or storing of green hides or skins.

**35. Fuel Sales, Passenger Vehicles** [\(back to table\)](#)

A facility for the retail dispensing and sale of vehicle fuels, including gasoline, gas/oil mixtures, diesel fuel, ethanol, electricity, or compressed natural gas through fixed dispensing equipment, operated by customers or employees. Accessory uses may include the sale of convenience items, food, lubricants, batteries, inspection of vehicles for state registration, car wash tunnels, and similar accessory uses.

- a. Where Table 2-26: Table of Uses, indicates "C":
  - I. Fuel pump islands shall be located at least 250 feet from a property line of a residential zone or use.
  - II. No more than two fueling stations may be allowed at any roadway intersection.

- III. In the C2 zoning district only, a maximum of 16 pumps per site may be allowed.
- IV. The provisions above may be modified or eliminated with approval of a Specific Use Permit.

b. Where Table 2-26: Table of Uses indicates an “S”:

- I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*;
- II. The proposed number of fueling pumps is appropriate for the area and the surrounding land uses; and
- III. The extent to which the proposed request aligns with the “C” standards for this use.

**36. Fuel Sales, Truck** ([back to table](#))

A facility for the retail dispensing and sale of fuel to motor vehicles and semi-trailer trucks with at least three axles that are designed to tow trailers, limited to no more than one fueling pump per semi-trailer truck fueling bay. The truck fueling station may be attended or automated and include accessory truck scales/weight stations. Only trucks awaiting access to fueling pumps may remain on-site.

a. Where Table 2-26: Table of Uses indicates an “S”:

- I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*;
- II. In addition to the evaluation criteria listed in §203C.3, *Specific Use Permit*, the following criteria shall also be considered:
  - a. Whether the number of fueling pumps is appropriate for the area.

**37. Funeral Home or Mortuary** ([back to table](#))

A place for the storage of human bodies prior to their interment (burial, cremation, aquamation, or other similar preparation), or a building used for the preparation of the deceased for burial and the display of the deceased and associated ceremonies prior to interment.

a. Where Table 2-26: Table of Uses indicates an “S”:

- I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

**38. Government Facilities (city, excluding airport uses)** ([back to table](#))

Any building, structure, facility, site feature, or property owned, leased, or operated by the City of McKinney, including but not limited to a municipal complex, public safety building, fire station, fleet maintenance facility, equipment and material storage yard, government office, public infrastructure, golf course, library, arts or cultural center, park or playground, playfield or stadium, recreation center, or swimming pool.

**39. Government or Public Facilities (non-city)** ([back to table](#))

Any non-municipal public or governmental building, structure, facility, site feature, or property owned, leased, or operated by a public or governmental agency including but not limited to a public building, fleet maintenance facility, equipment and material storage yard, government office, public infrastructure, arts or cultural center, park, or playfield or stadium.

a. Where Table 2-26: Table of Uses indicates “C”:

- I. The outdoor storage of materials and the equipment and vehicle repair and storage areas shall adhere to all applicable screening requirements for these uses; and
- II. Where the outdoor storage of materials and equipment and vehicle repair or storage is proposed adjacent to a residential zone or use, a specific use permit shall be required pursuant to §203C.3, *Specific Use Permit*.

**40. Greenhouse or Plant Nursery** ([back to table](#))

An establishment for the growth, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted within or outside an enclosed building.

**41. Gun Range, Indoor** ([back to table](#))

An indoor facility where firearms are discharged at targets and which is designed so that discharges from the firearms are prevented, by means of backstops, berms, or other barriers, from going beyond the walls of the facility.

- a. Where Table 2-26: Table of Uses, indicates “C” standards for this use include:
  - I. Gun ranges shall not be located within 500 feet of any residential use or zone.
- b. Where Table 2-26: Table of Uses indicates an “S”:
  - I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*; and
  - II. The extent to which the proposed request aligns with the “C” standards for this use.

**42. Gun Range, Outdoor** ([back to table](#))

An outdoor facility where firearms are discharged at targets and which is designed so that discharges from the firearms are prevented from going beyond the boundaries of the facility, by means of backstops, berms, or other barriers.

- a. Where Table 2-26: Table of Uses indicates an “S”:
  - I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

**43. Gym or Fitness Studio** ([back to table](#))

Any facility where members or nonmembers use equipment or space or receive instruction for the purpose of physical exercise, fitness, flexibility, and/or weight control. Facilities may include amenities such as whirlpools, saunas, and massage rooms, as well as locker rooms, and showers. Gyms and fitness studios may also cater to children with instruction classes and lessons, as well as free play areas.

- a. Where Table 2-26: Table of Uses, indicates “C”:
  - I. Gyms and fitness studios shall not include an outdoor component.

**44. Heavy Machinery, Rental, Sales, and Storage** ([back to table](#))

A business involved in the sale of large machinery and heavy-duty vehicles designed for executing construction or farming tasks, often ones involving earthwork operations. Ancillary uses, such as service, repair, and washing, may take place on-site in conjunction with this use.

- a. Where Table 2-26: Table of Uses indicates an “S”:
  - I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

**45. Hospital** ([back to table](#))

An institution providing medical and surgical care to the sick or injured, including surgical facilities and beds for patients to remain overnight. Hospitals may include facilities such as helipads, operating rooms, laboratories, outpatient facilities, and training facilities as licensed by the State of Texas.

- a. Where Table 2-26: Table of Uses indicates an “S”:
  - I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

**46. Hotel or Motel** ([back to table](#))

A non-residential building or group of buildings designed for and occupied as a temporary dwelling place of individuals and providing short-term occupancy. Services including daily housekeeping and upkeep of furnishings must be provided. Meeting rooms, fitness facilities, indoor and outdoor pools, recreational facilities, and dining services shall be permitted as accessory uses. This definition shall not include bed-and-breakfasts, or other dwelling units as defined by this Code.

**47. Impound Lot or Yard** ([back to table](#))

A garage, parking lot, or other facility where operable or temporarily inoperable towed vehicles are kept pending retrieval by the owner. Such facilities may include related towing, recovery, and repossession

services. This definition shall not include a wrecking and salvage facility, where vehicles may be stored for more than 90 days, or surface parking lots or parking garages where the primary use is for short term (under 48 hours) parking of vehicles.

**48. Junk or Salvage Yard** ([back to table](#))

A lot upon which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A "junkyard" includes an automobile wrecking yard and automobile parts yard, where such activities are not conducted entirely within an enclosed building.

a. Where Table 2-26: Table of Uses indicates an "S":

- I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*; and
- II. All junkyards, salvage yards or wrecking yards shall be fenced on all sides and shall be screened from view from the public right-of-way and from adjacent residential property.

**49. Livestock Auction** ([back to table](#))

Premises with barns, pens, and sheds for the temporary holding of livestock that are to be offered for sale.

**50. Manufacturing, Heavy** ([back to table](#))

Establishments engaged in the fabrication, assembly, processing, or manufacturing of goods and materials that have the potential to create negative impacts on surrounding areas due to the types of materials used, byproducts created, hours of operations, volumes of heavy truck or rail traffic, noxious odors produced, outdoor processing and storage areas, or other factors. Such uses include the processing or production of petroleum products, heavy machinery manufacture, chemicals manufacturing, leather tanning, steel and other metal manufacture, fertilizer production, paper/pulp production, animal reduction or fat rendering, and the smelting of ores or metals.

**51. Manufacturing, Light** ([back to table](#))

Establishments for the assembly, fabrication, processing and packaging of goods and materials using processes that allow impacts to be contained within the building and that do not create nuisances to surrounding properties. Such uses include fabrication of apparel, drugs and pharmaceuticals, medical and dental equipment, electronics, plastic, or similar products manufacture. This use may also include a machine shop where tools are used for making, finishing, or repairing machines or machine parts; metalwork, forging and welding; and printing plants, including related large-scale storage and shipment.

**52. Motor Freight Terminal** ([back to table](#))

An area or building where trucks, including tractor-trailer units, load and unload cargo on a regular basis, and where this cargo may temporarily be stored prior to or following transport.

**53. Office Showroom/Warehouse** ([back to table](#))

An establishment that primarily consists of sales offices and display areas for products and/or services delivered or performed off-premises. Catalog and telephones sales facilities are examples of this use. Incidental retail sales is permitted. Warehousing facilities shall be incidental to the primary use and shall not exceed 50 percent of the total floor area. This designation does not include service contractor.

a. Where Table 2-26: Table of Uses indicates an "S":

- I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

**54. Office** ([back to table](#))

A building or suite used to provide professional services; or provide individual services related to personal needs directly to customers at the site of the business; or receive goods from and return goods to the customer, after those goods have been treated or processed at that location or another location. Sale of merchandise is not considered an office use, except as incidental to a permitted primary use. Ancillary uses include on-site cafeterias or other amenities primarily for the use of employees in the firm or building. The definition of office use excludes medical and dental office uses.

**55. Parking Garage or Lot, Paid or Private** [\(back to table\)](#)

A paved area or structure where individuals park personal vehicles, and where this is the primary purpose of the lot or structure. This use does not include overnight storage of vehicles.

- a. Where Table 2-26: Table of Uses indicates an “S”:
  - I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

**56. Pawn Shop** [\(back to table\)](#)

An establishment where money is loaned on the security of personal goods pledged in the keeping of the owner or proprietor of the shop. A pawn shop also includes the retail sale of pledged items.

**57. Personal Service** [\(back to table\)](#)

Establishments primarily engaged in providing personal care services, including barber shops, beauty salons, spas, laundromat, businesses offering classes for small groups or individuals, and dry cleaners. A beauty salon may offer permanent makeup services, as long as such services are in conjunction with the beauty salon and are limited to parts of the body above the neck and are generally for cosmetic or reconstructive purposes.

**58. Power Plant or Electrical Generating Station** [\(back to table\)](#)

An industrial facility for the generation and distribution of electric power.

**59. Radio or TV Broadcast Station** [\(back to table\)](#)

A building or portion of a building used as a place to record and broadcast music, videos, and other media.

- a. Where Table 2-26: Table of Uses, indicates “C”:
  - I. The maximum height of the tower as measured from finished grade to the tower’s highest point shall be equal to or less than the setback distance to the nearest residential zone or use.
  - II. No radio or television broadcast tower shall be closer to any residential district boundary line or residential use than a distance equal to twice the height of the support structure. Setback distance shall be measured as the shortest possible distance from the structure to the closest point of a residential district boundary line, or residential use property line.

**60. Railroad Freight Terminal** [\(back to table\)](#)

An area or building where railroad cars load and unload cargo on a regular basis, and where this cargo may temporarily be stored prior to or following transport.

**61. Reception or Event Center, Indoor** [\(back to table\)](#)

A commercial or non-profit facility entirely enclosed within a building that can be rented to accommodate large groups of people for entertainment, conferences, weddings, and similar activities.

- a. Where Table 2-26: Table of Uses indicates an “S”:
  - I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

**62. Reception or Event Center, Outdoor** [\(back to table\)](#)

A commercial or non-profit facility that may have an indoor component, in combination with an outdoor space, that can be rented to accommodate large groups of people for entertainment, weddings, and similar activities.

- a. Where Table 2-26: Table of Uses, indicates “C”:
  - I. No outdoor facilities shall be permitted within 500 feet of residential zones or uses; however, a reduction in this distance may be permitted with approval of a Specific Use Permit.
- b. Where Table 2-26: Table of Uses indicates an “S”:
  - I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*; and
  - II. The extent to which the proposed request aligns with the “C” standards for this use.

**63. Recreation Area, Private** [\(back to table\)](#)

A privately owned park, garden, courtyard, or open space maintained by a community club, property owners' association or similar organization.

**64. Recreational Vehicles, Rental or Sales** [\(back to table\)](#)

- a. A business involved in the sale or rental of recreational vehicles (RVs) or similar wheeled vehicles primarily used for temporary lodging during travel. RVs do not meet the specifications for permanent habitability required of mobile or manufactured homes. Ancillary uses may include service or repair. Generally, a recreational vehicle is:
  - I. Built on a single chassis;
  - II. 400 square feet in area or less when measured at the largest horizontal projection;
  - III. Designed to be self-propelled or permanently towable by a light duty truck; and
  - IV. Designed primarily as temporary living quarters for recreational, camping, travel, or seasonal use, rather than for use as a permanent dwelling.
- b. Where Table 2-26: Table of Uses indicates an "S":
  - I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

**65. Recycling Facility** [\(back to table\)](#)

A facility for the collection and/or processing of recyclable materials, primarily household and communal waste. Processing of recyclable materials for shipment may entail baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, remanufacturing, and shredding, or other similar means. A recycling facility does not include "Junk or Salvage" establishments and does not include the washing of equipment.

- a. Where Table 2-26: Table of Uses, indicates "C":
  - I. All storage and recycling activities shall be conducted within a fully enclosed building.
  - II. The provisions above may be modified or eliminated with approval of a Specific Use Permit.

**66. Refining or Storage of Petroleum, Natural Gas, Butane, or Propane** [\(back to table\)](#)

A production facility where raw materials are converted into products of value, typically as a result of chemical or materials engineering processes. Refining facilities may also include the storage tanks where finished materials are held prior to transshipment.

**67. Religious Assembly** [\(back to table\)](#)

Any structure dedicated to worship and religious training, that may also include on-site housing for religious personnel. Religious assembly uses may also include preschools or day cares in compliance with applicable regulations, and/or temporary free overnight lodging sponsored and operated by the religious entity as a part of its goals, mission, or ministry, provided to individuals or families having no regular home or residential address.

- a. Standards for any religious assembly providing temporary overnight lodging include:
  - I. The provision of temporary free overnight lodging is limited to a maximum of 30 nights per calendar year.
  - II. Facilities shall provide housing for no more than 14 guests per night.
  - III. Provision of temporary lodging requires an annual permit for such accessory use issued by the Chief Building Official.

**68. Restaurant, Brew Pub** [\(back to table\)](#)

An eating/drinking establishment that is open to the public, where food and beverages are prepared, served, and consumed within the primary building or in an outdoor seating area on the premise. This use also includes a microbrewery as an accessory use. The microbrewery in conjunction with the restaurant allows limited manufacturing and production for the primary sale on-site. Off-site distribution associated with the

microbrewery shall not be permitted. Outdoor patios ancillary to an indoor restaurant use shall be permitted subject to the following standards:

- a. Where Table 2-26: Table of Uses, indicates "C":
  - I. The outdoor patio shall not exceed 30 percent of the overall floor area of the restaurant, or 3,000 square feet, whichever is less.
    - a. The Director of Planning may approve, as part of a Site Plan, an outdoor patio greater than 30 percent of the overall floor area or greater than 3,000 square feet, if it is determined that the size of the outdoor patio is in keeping with the scale and character of the surrounding area.
    - b. In cases where outdoor patios are larger than 3,000 square feet, the use shall be classified as Commercial Entertainment, Outdoor, and shall only be permitted as indicated in Table 2-26: Table of Uses.
    - c. The outdoor patio shall not include any fixed stage or performance area.
  - II. Outdoor performances shall only be permitted within a confined patio.
  - III. No outdoor performances shall be permitted within 500 feet of a residential property line or zoning district, without the approval of a Specific Use Permit.

**69. Restaurant, Carry-Out and Delivery Only** [\(back to table\)](#)

An establishment that is open to the public, where food and beverages are prepared and sold for off-premises consumption.

- a. Where Table 2-26: Table of Uses, indicates "C":
  - I. Carry-out restaurants shall be no greater than 4,000 square feet in floor area.

**70. Restaurant, Dine-In** [\(back to table\)](#)

An eating/drinking establishment that is open to the public, where food and beverages are prepared, served, and primarily consumed within the primary building, or in a designated outdoor dining area, such as a deck or patio. Outdoor patios ancillary to an indoor restaurant use shall be permitted subject to the following standards:

- a. Where Table 2-26: Table of Uses, indicates "C":
  - I. The outdoor patio shall not exceed 30 percent of the overall floor area of the restaurant, or 3,000 square feet, whichever is less.
    - a. The Director of Planning may approve, as part of a Site Plan, an outdoor patio greater than 30 percent of the overall floor area or greater than 3,000 square feet, if it is determined that the size of the outdoor patio is in keeping with the scale and character of the surrounding area.
    - b. In cases where outdoor patios are larger than 3,000 square feet, the use shall be classified as Commercial Entertainment, Outdoor, and shall only be permitted as indicated in Table 2-26: Table of Uses.
    - c. The outdoor patio shall not include any fixed stage or performance area.
  - II. Outdoor performances shall only be permitted within a confined patio.
  - III. No outdoor performances shall be permitted within 500 feet of a residential property line or zoning district, without the approval of a Specific Use Permit.

**71. Restaurant, Drive-In or Drive-Through** [\(back to table\)](#)

An eating/drinking establishment that is open to the public, where food and beverages are prepared and served to customers in motor vehicles. Food or drink may also be served for off-premises consumption as carry-out orders at drive-in or drive-through points of service. Outdoor patios ancillary to an indoor restaurant use shall be permitted subject to the following standards:

- a. Where Table 2-26: Table of Uses, indicates "C":
  - I. All buildings and speaker boxes shall be more than 200 feet from any single-family residential zone or use.

- a. This minimum distance may be decreased to 150 feet if a public right-of-way separates the building or speaker box and the use or zone.
- b. This distance requirement may be reduced or eliminated by approval of a Specific Use Permit.
- II. Speaker boxes shall be placed at least 20 feet from any other residential zone or use not included above.
- III. The outdoor patio shall not exceed 30 percent of the overall floor area of the restaurant, or 3,000 square feet, whichever is less.
  - a. The Director of Planning may approve, as part of a Site Plan, an outdoor patio greater than 30 percent of the overall floor area or greater than 3,000 square feet, if it is determined that the size of the outdoor patio is in keeping with the scale, character, and context of the restaurant and surrounding area.
  - b. Unless otherwise approved in *above*, outdoor patios that are larger than 3,000 square feet shall be classified as Commercial Entertainment, Outdoor, and shall only be permitted as indicated in Table 2-26: Table of Uses.
  - c. The outdoor patio shall not include any fixed stage or performance area.
- IV. Outdoor performances shall only be permitted within a confined patio.
- V. No outdoor performances shall be permitted within 500 feet of a residential property line or zoning district, without the approval of a Specific Use Permit.
- b. Where Table 2-26: Table of Uses indicates an "S":
  - I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*;
  - II. Restaurants may not exceed 5,000 square feet;
  - III. Location of drive-through lane is beside or behind the building, and not adjacent to the public right-of-way; and
  - IV. Dumpster location and speaker box location will be a minimum of 30 feet from the nearest adjacent property line and will not have an adverse impact on adjacent residential uses.

**72. Retail Sales** ([back to table](#))

Establishments engaged in selling goods, commodities, or merchandise to the general public for personal, household, or business consumption or use.

- a. Where Table 2-26: Table of Uses, indicates "C":
  - I. For those retail sales establishments with an outdoor display component, the following standards shall apply:
    - a. Occasional sidewalk sales of merchandise normally sold within the retail establishment are permitted.
    - b. Outdoor display shall occur within 100 feet from a customer entrance and no further than 25 feet in depth from the front façade of the primary building.
    - c. Outdoor display shall not impede pedestrian walkways or vehicular access aisles.
    - d. Goods shall not be displayed in required parking areas.
    - e. Goods that are completely surrounded by an approved screening device as described in Table 2-35: *Site Feature Screening Requirements* shall not be considered to be an outdoor display.
    - f. Occasional sidewalk sales of merchandise normally sold within the retail establishment are permitted for up to 16 hours per day. All sale items and display structures shall be brought indoors outside of store operating hours.
- b. Where Table 2-26: Table of Uses indicates an "S":
  - I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*; and

- II. The extent to which the proposed request aligns with the “C” standards for this use.

**73. Sanitary Landfill** ([back to table](#))

A publicly or privately owned solid waste disposal facility designed to accommodate and dispose of certain types of solid waste, not to include hazardous waste substances. A sanitary landfill must be certified and licensed by the state department of health (TDH) and the Texas Commission on Environmental Quality (TCEQ).

- a. Where Table 2-26: Table of Uses indicates an “S”:
  - I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*; and
  - II. The subject property is a minimum of 100 acres. This land area requirement may be reduced in size as part of a Site Plan approval process, subject to discretionary approval by the City Council.

**74. School, Business or Trade** ([back to table](#))

A business operating for profit and offering instruction and training in a service or art such as automotive mechanics, barbering, cosmetology, information technology, or commercial art school. Such establishments may also include on-site faculty or employee housing.

- a. Where Table 2-26: Table of Uses indicates an “S”:
  - I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

**75. School, Public, Private, or Parochial** ([back to table](#))

A school under the sponsorship of a public or religious agency providing a curriculum generally equivalent to public elementary or secondary schools, but not including trade or business schools. Such establishments may also include on-site housing for faculty, students, and employees.

**76. Self-Storage** ([back to table](#))

A building containing separate, individual, compartmentalized storage units that can only be rented or leased for the storage of customers' household goods. Conducting sales, business, or any other activity shall be prohibited within any individual self-storage unit. This use is also commonly referred to as mini-warehouse.

- a. Where Table 2-26: Table of Uses indicates an “S”:
  - I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*;

**77. Solar Farm** ([back to table](#))

Land with the necessary equipment for the commercial production of solar energy as the primary land use.

**78. Stable, Commercial** ([back to table](#))

A structure where horses are quartered, along with accompanying pasture, other than for the property owner’s personal use, on a fee basis.

- a. Where Table 2-26: Table of Uses, indicates “C”:
  - I. No horses or other livestock shall be stabled or corralled within 100 feet of any bounding property line.
- b. Where Table 2-26: Table of Uses indicates an “S”:
  - I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*; and
  - II. The extent to which the proposed request aligns with the “C” standards for this use.

**79. Stockyard or Slaughterhouse** ([back to table](#))

A facility for the slaughtering and processing of animals and the refining of their byproducts, where the slaughter or processing is not conducted by the owner of the animal, and the processed meat is not intended for sale by the owner of the animal.

**80. Storage, Automobile** [\(back to table\)](#)

A lot or tract on which operable motor vehicles are held for the purpose of sale, lease, distribution, or storage. This use shall not include vehicles or equipment awaiting repair, or inoperable vehicles or equipment.

a. Where Table 2-26: Table of Uses indicates an "S":

I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

**81. Storage, Boat, Truck, or Recreational Vehicle** [\(back to table\)](#)

An area or structure designed for the short- or long-term storage of recreational vehicles, boats, vehicles with 3 or more axles, or equipment. This use shall not include vehicles or equipment awaiting repair, or inoperable vehicles or equipment.

**82. Traders' Village** [\(back to table\)](#)

A site where space is rented to multiple vendors on a short-term basis for the sale of merchandise. Items for sale may include new and used household goods, personal effects, tools, artwork, small household appliances, and other similar merchandise, objects, or equipment in small quantities. Traders' villages shall not include wholesale sales establishments or rental services establishments, but may include personal service, food service, retail sales, and auction establishments.

**83. Transportation Station** [\(back to table\)](#)

Indoor and outdoor facilities for the storage and parking of motor-driven buses, trains, light rail, or other transit vehicles, as well as the loading and unloading of passengers. A single bus stop would not constitute a transportation station.

a. Where Table 2-26: Table of Uses indicates an "S":

I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

**84. Truck Stop** [\(back to table\)](#)

An establishment engaged primarily in the fueling, servicing, repair or parking of tractor trucks and similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A truck stop may also include overnight accommodations, showers, waste disposal or storage, and restaurant facilities mainly for the use of truck drivers and passengers.

a. Where Table 2-26: Table of Uses indicates an "S":

I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

**85. Utility Substation** [\(back to table\)](#)

A facility used to convert electric power, natural gas, and telephone or television signals for transmission through a regional interconnecting grid system for distribution. This use may include a distribution and/or dedicated substation.

a. Where Table 2-26: Table of Uses indicates an "S":

I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

**86. Vehicle Repair, Major** [\(back to table\)](#)

An establishment primarily engaged in providing heavy motor vehicle repair and maintenance, including activities such as engine overhauls, transmission or differential repair, automobile/truck painting, body and fender work, and welding. This definition does not include vehicle fuel sales or car washes.

a. Where Table 2-26: Table of Uses indicates an "S":

I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

**87. Vehicle Repair, Minor** ([back to table](#))

An establishment primarily engaged in providing minor motor vehicle repair services such as lubrication, oil and tire changes, engine tune-ups, brake repair, tire replacement, interior and exterior cleaning and polishing, installation of after-market accessories such as tinting, auto alarms, spoilers, sunroofs, headlight covers, and similar items. This definition does not include vehicle fuel sales.

a. Where Table 2-26: Table of Uses indicates an “S”:

I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

**88. Warehouse** ([back to table](#))

An establishment where the primary activity is the storage of commercial, industrial, or other goods, including inventory and/or finished products, and where no such goods are sold either at wholesale or at retail. Commercial warehouse includes wholesale distribution, which involves the storage of products, supplies, and equipment offered for sale to retailers, commercial, institutional, or professional business users, but not the general public. Accessory uses may include offices, truck fleet parking, and maintenance areas. Commercial warehouse may entail open, on-site storage, but does not include storage for personal and household goods.

**89. Water or Wastewater Treatment Plant** ([back to table](#))

A water treatment plant is a facility for the treatment of water from a defined service area before the treated water is released back into local waterways. A wastewater treatment plant is a facility for the primary, secondary, and tertiary treatment of wastewater.

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**G. Accessory Uses, Buildings, and Structures**

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**1. Purpose**

- a. The purpose of this section is to establish minimum standards for accessory uses and structures that are incidental and subordinate to primary uses. These standards are intended to minimize adverse impacts on surrounding properties and the community.
- b. Accessory uses and structures are intended to allow property owners the full use of their property while maintaining the integrity and character of the area. To accomplish these goals, accessory uses and buildings shall be erected and used only for purposes that are clearly secondary and incidental to the primary use of the property and shall be located on the same lot with the primary use. Accessory uses and structures are subject to the standards in this section as well as any applicable standards for the associated primary use pursuant to §205C, *Use Definitions and Use-Specific Standards*.

**2. Accessory Uses Definitions and Standards**

**a. Accessory Building, Detached** ([back to table](#))

A building on the same lot with, and of a size and nature customarily subordinate to, a primary residential building. In residential districts, this may include, but is not limited to, storage sheds and garages. Accessory buildings attached to the primary building are considered an extension of the primary building and shall be subject to the regulations that apply to the primary building. Accessory buildings are permitted in the zoning districts as listed in Table 2-26: Table of Uses. See Table 2-27: *Standards for Detached Accessory Buildings and Structures*.

**b. Accessory Dwelling Unit** ([back to table](#))

A residential dwelling unit that is subordinate to and detached from the primary dwelling unit but located on the same lot. An accessory dwelling unit may also be referred to as a backyard cottage.

I. Standards for this use include:

- a. No more than one accessory dwelling unit may be located on any conforming lot as identified in the summary for residential district standards, Table 2-24: Residential Zoning Districts.
- b. Accessory dwelling units shall not be permitted on a small lot single-family detached or small lot single-family attached lot.

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- c. An accessory dwelling unit shall not exceed 50 percent of the total square footage of the primary dwelling. If the primary dwelling is 1,200 square feet or less, the ADU shall not exceed 75 percent of the total square footage of the primary dwelling.
  - d. An accessory dwelling unit shall observe the same building height and setbacks as the primary dwelling and shall be set behind the front face of the primary building.
  - e. An accessory dwelling unit shall be constructed in a similar or complementary architectural style as the primary dwelling and constructed with exterior materials complementary to those of the primary dwelling when located within the Historically Significant Area or the primary dwelling is a Significantly Important Building.
  - f. An accessory dwelling unit must be under the same ownership as the primary dwelling.
  - g. An accessory dwelling unit shall not have a separate electric meter.
  - h. An accessory dwelling unit shall contain facilities for its own cooking, sleeping, eating, living, and sanitation accommodations.
- c. Accessory structure** [\(back to table\)](#)  
 A structure built vertically above ground level, that is open on at least two sides unless stated otherwise herein. Examples include, but are not limited to, gazebos, pergolas, arbors, decks, shade structures, and geothermal equipment. Accessory structures attached to the primary building shall be considered an extension of the primary structure and shall be subject to the regulations that apply to the primary building. See Table 2-27: *Standards for Detached Accessory Buildings and Structures* for standards.

Table 2-27: Standards for Detached Accessory Buildings and Structures		
	Detached Accessory Building	Detached Accessory Structure
<b>Maximum Height</b>	As permitted in applicable zoning district	12 feet
<b>Setbacks</b>	<b>If 100 sq. ft. or less:</b> Front yard: Not permitted Corner: Follow zoning district Rear yard: 1 foot Side yard: 1 foot	<b>If 100 sq. ft. or less:</b> Front yard: Not permitted Corner: Follow zoning district Rear yard: 1 foot Side yard: 1 foot
	<b>If 101 to 300 sq. ft.:</b> Front yard: Not permitted Corner: Follow zoning district Rear yard: 3 feet Side yard: 3 feet	<b>If 101 to 300 sq. ft.:</b> Front yard: Not permitted Corner: Follow zoning district Rear yard: 3 feet Side yard: 3 feet
	<b>If 301 to 500 sq. ft.:</b> Front yard: Not permitted Corner: Follow zoning district Rear yard: 5 feet Side yard: 5 feet	<b>If 301 to 500 sq. ft.:</b> Front yard: Not permitted Corner: Follow zoning district Rear yard: 5 feet Side yard: 5 feet
	<b>If greater than 500 sq. ft.:</b> Front yard: Not permitted Per applicable zoning district setbacks	<b>If greater than 500 sq. ft.:</b> Front yard: Not permitted Per applicable zoning district setbacks
	<b>If greater than or equal to 2 stories:</b>	<b>If greater than or equal to 2 stories:</b>

	Per applicable zoning district setbacks	Not applicable
<b>Limitations</b>	<ul style="list-style-type: none"> <li>• Shall be located behind the front face of the primary building.</li> <li>• Shall not be used for commercial purposes unless approved and permitted as home occupation.</li> <li>• Shall not be located in any easement.</li> <li>• Shall not be rented or leased.</li> <li>• Shall not be constructed or installed prior to or independent of a primary use or building.</li> </ul>	<ul style="list-style-type: none"> <li>• Shall be located behind the front face of the primary building.</li> <li>• Shall not be used for commercial purposes unless approved and permitted as home occupation or approved on a site plan.</li> <li>• Shall not be located in any easement.</li> <li>• Shall not be located in any required landscape buffer.</li> <li>• Shall not be rented or leased.</li> <li>• Shall not be constructed or installed prior to or independent of a primary use or building.</li> </ul>

**d. Caretaker’s or Watchman’s Quarters** [\(back to table\)](#)

An accessory residential dwelling unit located on a lot with a separate principal use, intended for the occupancy of a caretaker, security guard, or other person charged with oversight or protection of the primary buildings and uses.

**e. Drone Delivery** [\(back to table\)](#)

An area or structure for the staging or storage of one or more drones, for the purpose of distributing commercial goods or products, and associated equipment.

**I. Standards for this use include:**

- a. Shall be located a minimum of 200 feet away from any residential use or zoning district. This shall not apply a drone delivery use within 200 feet of a residential use or zoning district that is separated from the residential use or zone by an existing street.
- b. Shall not be located within any required setbacks.
- c. Shall not be located within any required landscape buffers.
- d. Shall not be more than 10 percent of the lot area if the area is not located on the roof of the primary structure or located within the primary structure.
- e. Enclosures shall be located behind the front of the primary building.
- f. Storage buildings, if provided, shall be constructed using similar materials and color as the exterior walls of the primary structure.
- g. The provisions above may be modified or eliminated with approval of a Specific Use Permit.

**f. Electric Vehicle Charging Station** [\(back to table\)](#)

Electric charging-ready parking spaces made available as an accessory use, incidental to a primary use.

**I. Standards for this use in Non-Residential and Multi-family Districts include:**

- a. Electric vehicle charging parking spaces shall maintain a minimum width of 10 feet.
- b. As an accessory use, the EVCS must be operational during the normal business hours of the use(s) that it serves. EVCS may be de-energized or otherwise restricted after normal business hours of the use(s) it serves.
- c. Cords shall be retractable or have a place to hang the connector and cord sufficiently above the pedestrian surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.

**II. Standards for this use in Single-Family Residential Districts include:**

- a. Individual dwellings may have electric vehicle charging units that are not subject to these regulations.
- b. If electric vehicle charging-ready spaces are provided in a common or shared parking area, they shall observe the requirements for non-residential districts.

**g. Helistop** ([back to table](#))

A designated, marked area on the ground or the top of a building or structure where helicopters may land, load and takeoff subject to the owner or operator having previously obtained an FAA letter of airspace determination and an FAA statement of no objection to the proposed approach and departure routes plus compliance with all other applicable local, state, and federal rules, laws, and requirements. This accessory use does not include the fueling or storage of aircrafts.

**h. Home Occupation** ([back to table](#))

A no-impact home-based business, occupation, or profession conducted within a residential dwelling unit by the resident thereof.

**I. Standards for this use include:**

- a. The home occupation shall maintain the residential character of the neighborhood.
- b. The home occupation shall be clearly incidental and secondary to the primary residential use of the premises.
- c. The home occupation shall be conducted entirely within the enclosed primary structure, or entirely within an enclosed accessory structure.
- d. Home occupations are not permitted in accessory dwelling units.
- e. The proprietor or operator of the home occupation shall be a resident of the dwelling unit from which it is conducted. More than one home occupation may be conducted from a dwelling unit, provided each proprietor or operator resides in the dwelling.
- f. Home occupations conducted from within garages may not occupy parking spaces required to meet the minimum off-street parking requirements.
- g. Home occupations shall not produce any alteration or change to the residence or the environment which is inconsistent with the typical appearance of a residential dwelling.
- h. The home occupation shall not have a separate entrance.
- i. The proprietor shall provide adequate off-street parking for employee and patron vehicles.
- j. A maximum of one commercial vehicle may be used or parked on the property in connection with the home occupation. The commercial vehicle shall not be loaded or unloaded, parked, or idled in the street. Additional standards for commercial vehicles are provided in Chapter 70 of the McKinney Code of Ordinances.
- k. The home occupation shall not require regular or frequent deliveries by large delivery trucks or vehicles in excess of 1½ tons.
- l. The home occupation shall not display advertising or signs or other visual or audio devices which call attention to the business use.
- m. The address of the home occupation shall not be listed in any advertisement.
- n. Retail sale of commodities is not permitted, except items produced by the home occupation, sales incidental to a service, or orders previously made by telephone, internet or at a sales party.
- o. The home occupation shall not accept clients or customers before 7:00 a.m. or after 10:00 p.m. This limitation does not apply to in-home day cares, which are permitted to operate between 6 a.m. and 12 a.m.
- p. Uses allowed as home occupations shall include the following:

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- i. Office of an accountant, architect, attorney, engineer, realtor, minister, rabbi, clergyman, or similar profession;
  - ii. Office of a salesperson or manufacturer's representative, provided that no retail or wholesale transactions or provision of services may be personally and physically made on remises, except as otherwise expressly permitted by this chapter;
  - iii. Author, artist, or sculptor;
  - iv. Dressmaker, seamstress, tailor, or milliner;
  - v. Music/dance teacher, tutoring, or similar instruction, provided that no more than three pupils may be present at any one time;
  - vi. Swimming lessons or water safety instruction, provided that a maximum of six pupils may be present at any one time;
  - vii. Home craft such as weaving, model-making, etc.;
  - viii. Repair shop for small electrical appliances, cameras, watches, or other small items, provided that items can be carried by one person with no special equipment, and provided that no internal combustion engine repair is allowed;
  - ix. Food preparation such as cake decorating, catering, etc., is allowed, provided that no on-premises consumption by customers is allowed, and provided that the business is in full compliance with health regulations;
  - x. Day care in a registered family home in compliance with state law, with a maximum of six children permitted at any one time;
  - xi. Barbershop, beauty salon, or manicure studio, provided that no more than one customer is served at any one time;
  - xii. Community home and other residential care facility that qualifies as a community home under the Community Homes for Disabled Persons Location Act, Chapter 123, of the Texas Human Resources Code; and
  - xiii. Any use classified as a "no-impact home-based business" as defined by TLGC Section 229.902.
- q. The following uses are specifically prohibited as home occupations:

- i. Animal hospital, commercial stable, kennel;
  - ii. Bed and breakfast;
  - iii. Restaurant or on-premises food/beverage consumption of any kind;
  - iv. Automobile, boat or trailer repair, small engine or motorcycle repair, large appliance repair, repair of any items with internal combustion engine;
  - v. Cabinetry, metal work, or welding shop;
  - vi. On-premises retail or wholesale sales of any kind, except as permitted in item 205G.2.g.i.o of this section, and garage sales as provided for in Chapter 54, Article II of the Code of Ordinances.
  - vii. Commercial clothing laundering or cleaning;
  - viii. Mortuary or funeral home;
  - ix. Trailer, vehicle, tool, or equipment rental;
  - x. Any use defined by the building code as assembly, factory/industrial, hazardous, institutional, or mercantile occupancy;
  - xi. Any use that would allow a number of patrons and employees in excess of the building's occupancy limit; and/or
  - xii. Any use that is not a "no-impact home-based business" as defined by TLGC Section 229.902.
  - r. If there is a concern about the suitability of a proposed home occupation occurring in residential setting, the Director of Planning shall determine whether the proposed home occupation is appropriate and may proceed. The Director of Planning shall evaluate the proposed home occupation in terms of its impact on neighboring property, its similarity to other allowed and prohibited uses, and its conformance with the regulations of this section. If the applicant disagrees with the determination of the Director of Planning, the applicant may request that the use be evaluated by the City Council.
  - s. Any home occupation that was legally in existence as of the effective date of the ordinance from which this chapter is derived and that is not in full conformity with these provisions shall be deemed a legal nonconforming use.
- i. Outdoor Storage** ([back to table](#))
- Storage of goods or products, including vehicle storage, on a lot in the open air or within a structure that has no roof. Outdoor storage does not include a wreckage, junk, or salvage yard.
- I. Standards for this use include:**
- a. Outdoor storage is permitted as an accessory use only. It may not be the primary or only use on a parcel.
  - b. Outdoor storage areas must be screened on all sides from public view using an approved screening device as described in Table 2-35: *Site Feature Screening Requirements*.
  - c. No materials shall be stacked higher than the top of a required screening device.
  - d. Wall openings shall not exceed 26 feet in width, and shall have a gate or door that provides an opaque screen.
  - e. Prohibited Areas
    - i. Outdoor storage shall not be located in front of the main building or within any required setback;
    - ii. Outdoor storage shall not be located within any drainage or other type of easement;
    - iii. Outdoor storage shall not be located within any required parking areas, parking spaces, loading areas, fire lanes, vehicular travel aisles, or customer pick-up lanes.
  - f. Size Limitations

- i. In industrial and airport districts, outdoor storage shall have no size limits.
  - ii. In non-residential and agricultural districts, outdoor storage shall not occupy an area exceeding 25 percent of the gross floor area of the primary use building on the site, or more than 10 percent of the lot area, whichever is less.
  - iii. The Director of Planning may approve, as part of a Site Plan process, an outdoor storage area that exceeds 25 percent of the gross floor area of the primary use building on the site, or more than 10 percent of the lot area, if it is determined that the size of the outdoor storage area would not adversely impact the surrounding area. The decision of the Director of Planning may be appealed in accordance with §203F, Appeal Procedures.
- j. Swimming Pool** ([back to table](#))  
A pool or spa constructed or installed below or above ground, located on private residential property, under the control of the property owner.
- I. Standards for this use include:
    - a. All swimming pools shall be located behind the front yard setback or front face of the primary building, whichever is greater. In no case shall the pool proper be constructed closer than five feet to any property line of the lot or tract on which it is situated.

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## H. Temporary Uses and Structures

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### 1. Purpose

The purpose of this section is to describe certain uses and structures which are permitted for a limited duration of time, subject to specified conditions. This section is intended to ensure that such uses or structures do not negatively impact surrounding properties and are discontinued upon the expiration of a set time period.

### 2. General Standards for All Temporary Uses and Structures

The following standards apply to all temporary uses and structures.

- a. Applications for temporary uses or structures shall be submitted to the Chief Building Official, unless otherwise specified herein. No temporary use or structure shall be permitted unless approved by the appropriate Administrative Official;
- b. Temporary uses or structures shall not occupy, impede, or block required pedestrian or vehicular circulation patterns, handicapped parking areas, designated walkways or sidewalk areas, bicycle lanes or bicycle parking areas, loading areas, drive aisles, fire lanes, or public rights-of-way;
- c. A temporary use or structure shall not impede compliance with or violate any use-specific standards or conditions of approval applicable to a principal use on the site;
- d. Temporary uses or structures shall not be located within a floodplain, nor may they disturb any sensitive or protected resources, or interfere with required site landscaping;
- e. Any temporary signs associated with a temporary use or structure shall be removed when the temporary use concludes or when the permit expires, whichever occurs first; and
- f. When a temporary use concludes, all disturbed areas shall be restored to a condition equivalent to or improved from that which existed prior to the temporary use.

### 3. Temporary Uses and Structures Definitions and Standards

Temporary uses are time-limited or episodic land uses established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

**a. Batch Plant (outdoor), Temporary** ([back to table](#))

A temporary facility for the production of concrete or asphalt, where its ingredients or products are ground up, mixed, or otherwise prepared for use on-site.

I. Standards for this use include:

- a. Requests for operation of a temporary batch plant shall include all necessary permitting by TCEQ and be reviewed by the Director of Engineering; and

- b. The Director of Engineering shall be responsible for determining the period of time which a temporary batch plant may operate.
- b. Construction Field Office** ([back to table](#))

A mobile trailer or any other temporary structure used by a construction contractor for office/headquarters purposes at the site of and for the duration of the construction of a structure or building project. This use also includes equipment storage, portable lavatories permitted on or adjacent to the construction site, or on lots or parcels owned or controlled by the owner of the lot or parcel on which the construction is taking place. Standards for this use include:

  - I. Standards for this use include:
    - a. Construction field offices may only be approved for licensed contractors working on construction projects for which any required permits have been obtained.
    - b. No structure may encroach into any public right-of-way or easement.
    - c. The field office shall be required to comply with adopted Building Code.
    - d. The use may only occur up to 14 days before construction activity commences.
    - e. All temporary facilities shall be removed within 30 days after issuance of a certificate of occupancy, upon completion of construction.
    - f. No structure may contain sleeping or cooking facilities.
    - g. Portable lavatories shall be located on-site and serviced regularly to minimize impacts to adjacent residential uses.
    - h. Upon failure to comply with these or any other applicable regulations, the Building Official may order the construction activities to be discontinued, until such time as adequate compliance is demonstrated.
- c. Model Home** ([back to table](#))

A single-family dwelling in a developing subdivision located on a legal lot that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built in the same subdivision. This temporary use may exist as long as the subdivision is still developing.
- d. Portable Storage Container** ([back to table](#))

Any container, storage unit, pod, or other portable structure used for the storage of personal property of any kind, which is temporarily located on the same property as the primary building.

  - I. Standards for this use include:
    - a. No more than one portable storage container may be stored on a lot or parcel with a residential use, except for multi-family and mobile home, at a time.
    - b. The portable storage container shall be placed only on a paved surface and shall not encroach into the public right-of-way.
    - c. A portable storage container may be located on a lot or parcel for a period not exceeding ten consecutive days, from the time of delivery to the time of removal.
    - d. A portable storage container shall not be located on the same lot or parcel more than one time in any given 30-calendar-day period for each owner or tenant. Each day that a portable storage container remains after the removal date shall constitute a violation.
    - e. It is the obligation of the owner or user of the portable storage container to secure it in a manner that assures the safety of persons or property in the vicinity of the container.
    - f. Portable storage containers may be allowed on multi-family residential properties as long as the minimum required parking is maintained.
- e. Religious or Philanthropic Uses** ([back to table](#))

Uses of a religious or philanthropic nature by those organizations not normally conducting business-for-profit may be allowed for the period of their actual duration up to a maximum of 30 days, with the

exception that 2 extensions of up to 30 days may be possible, upon application and approval by the Chief Building Official.

**f. Seasonal Sales** ([back to table](#))

A location temporarily used for the sale of goods or products associated with a seasonal or cultural event, such as the sale of Christmas trees, pumpkins, snow cones and shaved ice, firewood, plants, or seasonal produce. This use may also include a temporary farmers' market. Such sales are limited in duration and typically take place in locations not devoted to such sales for the remainder of the year.

**I. Standards for this use include:**

- a. Temporary use permits issued for seasonal sales shall be valid for a maximum of 30 consecutive days, with the possibility of three extensions, of up to 30 days each, not to exceed 120 days over a 12-month period.
- b. No more than three unique temporary use permits shall be issued for a single lot in a calendar year.
- c. Temporary tents, structures, or stands used for seasonal sales shall not exceed 150 square feet.
- d. Temporary seasonal sales shall not be located within 300 feet of any residential structure.

**g. Warming Station** ([back to table](#))

A facility in which temporary shelter for the homeless may be provided during periods of inclement or freezing weather.

**I. Standards for this use include:**

- a. A warming station must be operated by a religious institution or philanthropic organization.
- b. Operation is permitted only during inclement weather, when temperatures are forecast to drop below 32 degrees Fahrenheit.
- c. Hours of operation are 6:00 pm to 8:00 am.
- d. Maximum length of operation is 45 days, with the possibility of one 30-day renewal.
- e. No more than 40 warming station guests may be in the facility at one time.
- f. The operating entity must have the ability to provide security if this is deemed necessary by the Chief of Police.
- g. A temporary use permit to operate a warming station must be renewed annually through the Chief Building Official.
- h. Operation may occur for no more than 120 calendar days per year.
- i. Bathroom access for clients shall be provided.
- j. A warming station shall not provide permanent sleeping accommodations.
- k. No evidence of the warming station shall be visible from the outside of the structure containing the temporary use.

**II. Modifications:**

- a. Temporary Use Permits that require a modification to any of the operational standards b-e, above, shall require City Council approval following a public hearing. Mailed notice for the public hearing shall be provided in accordance with §203A.4, *Public Notice*.

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## I. Special Uses

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**1. Bed & Breakfast** ([back to table](#))

A lodging facility where paying guests can rent one or more bedrooms in an owner-occupied private home that offers lodging and serves breakfast to guests.

**a. Standards for this use include:**

- I.** Bed and breakfasts may be established only in single-family or duplex structures.

- II. All bed and breakfast facilities shall be owner-occupied and managed at all times.
- III. Meals may be served to paying overnight guests. No cooking facilities shall be permitted in any of the bedrooms.
- IV. Only one sign shall be permitted on the premises which shall not exceed four square feet in area, and may not include the word "hotel" or "motel."
- V. Off-street parking shall be provided equal to one parking space per guest bedroom and shall be screened from all streets. No parking shall be permitted in the front yard area.
- VI. The facilities shall meet all of the minimum requirements of the city-county health department and shall conform in all respects to the requirements of the fire code, building code, electrical code, and plumbing code.
- VII. All such facilities shall be responsible for the collection of the city hotel/motel tax.
- VIII. All City health officers, building inspectors, the Fire Marshal, and other code enforcement officials of the City shall have the right to go on any premises for which a Specific Use Permit for a bed and breakfast facility has been issued during normal business hours for the purpose of verifying compliance with this Article and all other applicable ordinances of the City.

b. Where Table 2-26: Table of Uses indicates an "S":

- I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

**2. Donation Collection Container** [\(back to table\)](#)

A box, bin, container, receptacle, trailer, mobile vehicle, or similar facility where individuals may drop off reusable clothing, household goods, furniture, and other items of personal property for resale, reuse, or repurposing, typically by a charitable organization. This definition does not include residential book exchange receptacles and food/hygiene exchange receptacles.

**a. Standards for this use include:**

**I. Purpose**

These performance standards are intended to ensure the operation of donation containers in a manner that prevents blight and the accumulation of debris and excess items outside the collection containers, eliminates poor maintenance of the containers, and minimizes visual clutter from their proliferation.

**II. Size**

a. Small Container

A small donation container is one that occupies up to and not more than 175 cubic feet. It may not be taller than 7 feet above finished grade.

b. Large Container

A large donation container is one that is larger than 175 cubic feet. It may not be taller than 14 feet above finished grade.

**III. Location**

- a. No donation container shall be located within 300 feet of any other donation container.
- b. Donation containers are only permitted in non-residential zoning districts.
- c. No donation container shall be located on or within 300 feet of a property zoned or used for residential purposes.
- d. From dusk until dawn, donation containers must be located within 25 feet of a light source such as street lighting, parking lot lighting, or a building wall pack, in order to discourage theft or vandalism of the container.
- e. No donation container shall be located on or within:

- i. A required landscaping area;
  - ii. A parking space, loading space or driveway area that is required to satisfy applicable regulations for the principal use on the site;
  - iii. A public right-of-way or easement, unless approved by the City Council as part of a license agreement; and
  - iv. No large container shall be located within any zoning district's building setback.
- f. No donation container shall be placed in a manner that blocks, limits, or impedes the function of, access to, or maintenance of any of the following:
- i. Required parking, loading or driveway areas;
  - ii. Pedestrian, wheelchair and/or bicycle routes or trails;
  - iii. Building ingress and egress;
  - iv. Required disabled access routes;
  - v. Required easements;
  - vi. Garbage and/or recycling enclosure areas or access to garbage and/or recycling bins or enclosures; or
  - vii. Exhaust, ventilation, mechanical, electrical or fire suppression systems, including, but not limited to, fire department connections or fire hydrants.
- g. No more than one collection container shall be located on any parcel or tract of land, except as otherwise permitted herein.

**IV. Materials**

All donation containers shall:

- a. Be fabricated of durable and waterproof materials;
- b. Be placed on ground that is paved with durable cement;
- c. Have a tamper-resistant locking mechanism for all collection openings;
- d. Not be electrically, mechanically, or hydraulically powered or otherwise mechanized.

**V. Restrictions on Operations**

**a. In General**

- i. Collection containers cannot be used for the collection of refuse, solid waste and/or any hazardous materials.
- ii. Donation containers are not considered a fixture of the site or an improvement to real property.

**b. For All Containers**

All donation containers shall have the following information prominently visible on the container, in type of at least two inches or larger:

- i. The name, an active email address, and if available, the website of the operator of the container and the agent or representative of the property owner;
- ii. A 24-hour contact telephone number with recording capability for the public to register complaints;
- iii. The type of material that may be deposited into the donation container; and
- iv. A notice stating that no material shall be left outside the donation container.

**c. For Large Containers**

Large containers shall have an attendant present at the container at all times that items are being received, and the container shall display have the additional notification that no items may be left for collection except when the attendant is on duty.

**VI. Maintenance**

- a. Drop-off materials are not allowed to accumulate outside of the donation container; and no overflow collection items, litter, debris or dumped materials shall be allowed to accumulate within 20 feet of the container;
- b. The donation containers shall remain free of graffiti and blight, rust, peeling paint, and all signs and notifications shall be maintained in legible condition.
- c. The donation container shall be in good working order, with functional collection operating mechanisms.
- d. The collection containers shall be maintained in sanitary conditions;
- e. The collection containers may not be placed without the approval of property owners; and
- f. Contact information shall remain readily visible on the container so that the operators can be contacted if there are any blight-related questions or concerns.
- g. Donation containers shall be serviced not less than weekly between 7:00 a.m. and 7:00 p.m. on weekdays, and 10:00 a.m. and 6:00 p.m. on weekends. In addition to removal of collected materials, this servicing is to include maintenance of the container, and the removal of any graffiti, litter, or other nuisance conditions.
- h. Any condition that constitutes a violation of the requirements of this section shall be remedied or abated within 48 hours of being reported to the operator or property owner.

**VII. Permit Required**

An annually renewable permit from the Director of Code Services is required for the operation of a donation container.

**3. Food Truck Courts [\(back to table\)](#)**

A property used or developed to accommodate one or more food trucks as the primary use of the property while possibly accommodating areas on the property for entertainment or recreational opportunities. Food truck courts must have a valid certificate of occupancy in addition to all other applicable permits and inspections.

- a. Where Table 2-26: Table of Uses, indicates "C":
  - I. A permanent building with restrooms is required to be located on the site;
  - II. No portable or temporary restrooms shall be allowed on the site;
  - III. Food trucks shall meet the requirements of the section 206I Food Trucks, Food Truck Operation Sites, and Food Truck Courts and Chapter 46 Food Establishment Regulations; and
  - IV. Location requirements:
    - a. No food truck operations including, but not limited to food preparation, sales or consumption shall be permitted within 100 feet of any door, window or outdoor dining area of any existing restaurant(s) or food service establishment(s). Food trucks shall be exempted from this requirement with the express written permission of the restaurants' or food service establishments' owner or authorized representative;
    - b. Food trucks shall not engage in sales operations within 100 feet of any property used for single-family residential purposes. This distance may be eliminated if unanimous written consent from each property owner located within the 100-foot buffer is provided;
    - c. Food trucks and their customers shall be prohibited from utilizing public rights-of-ways for food sales, preparation and/or consumption;
    - d. All portions of a food truck and its associated operations shall be located within 150 feet, as determined by the Fire Marshal, of a dedicated fire lane easement or a public street;
    - e. Food trucks must be parked, situated and operated in a manner that does not restrict orderly and/or safe vehicular and/or pedestrian movements; and
    - f. Food trucks may not occupy required off-street parking or loading spaces.

- b. Where Table 2-26: Table of Uses indicates an "S":
  - I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*;
  - II. In addition to the evaluation criteria listed in §203C.3, *Specific Use Permit*, the following criteria shall also be considered:
    - a. The nature of the proposed use;
    - b. Proximity to other food truck courts and food truck operation sites;
    - c. Proximity to existing "brick and mortar" restaurants;
    - d. The number of food trucks allowed within the food truck court at a single time;
    - e. Existing uses in surrounding areas;
    - f. Noise, dust, light, and traffic generated;
    - g. Health and sanitary conditions; and
    - h. Compliance with other regulations of the Code of Ordinances; and
    - i. The extent to which the proposed request aligns with the "C" standards for this use.

#### 4. Food Truck Operation Sites [\(back to table\)](#)

The geographic area, not located within a food truck court, within which the food truck will park, prepare, and sell food and/or associated non-alcoholic beverages. This also includes areas where the food truck's customers go to park and consume food and/or non-alcoholic beverages sold from the food truck. The sale of merchandise other than food and non-alcoholic beverages shall not be permitted at food truck operation sites.

- a. Where Table 2-26: Table of Uses, indicates "C":
  - I. Operation sites must have a valid food truck temporary site permit in addition to all other applicable permits and inspections.
  - II. Food trucks shall meet the requirements of the section 206I Food Trucks, Food Truck Operation Sites, and Food Truck Courts and Chapter 46 Food Establishment Regulations.
  - III. A maximum of one food truck shall be permitted for every one acre of land area. There shall be a maximum of six food trucks on an individual tract of land.
  - IV. Operation sites must meet the following location requirements:
    - a. No food truck operations including, but not limited to food preparation, sales or consumption shall be permitted within 100 feet of any door, window or outdoor dining area of any existing restaurant(s) or food service establishment(s). Food trucks shall be exempted from this requirement with the express written permission of the restaurants' or food service establishments' owner or authorized representative.
    - b. Food trucks shall not engage in sales operations within 100 feet of any property used for single-family residential purposes. This distance may be eliminated if unanimous written consent from each property owner located within the 100-foot buffer is provided.
    - c. All portions of a food truck and its associated operation site shall be located within 150 feet, as determined by the fire marshal, of a dedicated fire lane easement or a public street.
    - d. Food trucks and their customers shall be prohibited from utilizing public rights-of-ways for food sales, preparation, and/or consumption.
    - e. Food trucks must be parked, situated and operated in a manner that does not restrict orderly and/or safe vehicular and/or pedestrian movements.
    - f. Food trucks and operation sites may not occupy required off-street parking or loading spaces.

#### 5. Oil and Natural Gas Well Drilling and Operations [\(back to table\)](#)

A site where any process with the objective of extracting natural materials from the location of their natural occurrence takes place, and involves the transportation of extracted materials off-site for processing. See

[Chapter 138, Article VI, Oil and Natural Gas Well Drilling and Operations](#), of the Code of Ordinances for standards for this use.

**6. Private Club** ([back to table](#))

An establishment providing social and dining facilities, as well as alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of, that portion of V.T.C.A., Alcoholic Beverage Code §32.01 et seq., as it pertains to the operation of private clubs.

**a. Specific Use Permit**

**I.** Where Table 2-26: Table of Uses indicates an “S”:

- a. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.
- b. The City Council may deny a Specific Use Permit for the operation of a private club if it should affirmatively determine that the issuance of the same would be detrimental or offensive to the neighborhood or otherwise be contrary to the health, safety, or general welfare of the City and its inhabitants.

**b. Standards for this use include:**

**I. Location**

- a. A private club may only be located in permitted districts as shown in Table 2-26: Table of Uses, pursuant to Specific Use Permit approval, as described in §203C.3X, *Specific Use Permit*, of this Code.
- b. Private clubs must comply with the regulations in [Chapter 14 – Alcoholic Beverages](#), including the distance requirements found in [Section 14-54 – Development Standards](#).
- c. No signs advertising the sale of alcoholic beverages shall be permitted other than those authorized under the state alcoholic beverage code and the City sign ordinance.

**II. Operational Regulations**

- a. The service of alcoholic beverages without food is prohibited in dining areas and is restricted to a bar or lounge area as described in this article.
- b. Such establishments shall contain a minimum of 50 dining seats with a minimum of 600 square feet of dining area. Calculation of the square feet of dining area shall exclude kitchen and storage areas, bar and lounge areas, and cashier and reception areas.
- c. A private club with a bar or lounge area shall be designed so that patrons can enter only from an area within the primary use, e.g., the dining or reception area of a restaurant, hotel or motel. Emergency exits direct to the outside are permitted.
- d. No signs advertising the sale of alcoholic beverages shall be permitted other than those authorized under the state alcoholic beverage code and the city sign ordinance.
- e. Such establishments shall comply with all of the provisions of the state alcoholic beverage code and receive a private club permit from the state within one year from the date of issuance of the special use permit by the city, each such limitation in time being subject to extension by the city council.

**III. Noncompliance and Remedies**

- a. City Council may revoke a Specific Use Permit if it finds that any condition imposed at the time of granting the permit is not met, or thereafter ceases to exist.
- b. City Council may revoke a Specific Use Permit upon finding that any of the operational requirements imposed at the time of granting the permit are not met or thereafter cease to exist. A Specific Use Permit shall be subject to review based on recommendation from the Police Department that the public safety has been or is being jeopardized.
- c. The City Manager and the Police Department are specifically authorized to receive, accept, and investigate complaints regarding operation of private clubs from any source. The Specific Use

Permit associated with the club's operation is subject to City Council review when the Police Department asserts that the public safety has been or is being jeopardized.

- d. Pursuant to a public hearing, the City Council may revoke a Specific Use Permit upon finding that any of the operational requirements associated with the permit are not being met. The purpose of the public hearing is to make a determination on the validity of apparent non-compliance with the requirements of this Article.
- e. The permittee shall be given at least 10 days' written notice of the date, time and place of the public hearing, and the Specific Use Permit shall remain in full effect pending the outcome of the public hearing.
- f. The permit holder, or the permit holder's designated attorney or representative, may appear at the public hearing to offer testimony and evidence regarding the assertion of noncompliance, and shall further have the right to cross examine witnesses testifying at the hearing.
- g. Upon hearing all evidence with regard to the matter, the City Council shall enter an order finding compliance or noncompliance on the part of the permit holder. If the order finds compliance, the matter shall be concluded for that audit year. If the order finds noncompliance, the City Council shall further provide for:
  - i. Immediate suspension of the operation of the private club, and immediate action to revoke or delete the Specific Use Permit for a private club from the zoning of the permit holder's property; or
  - ii. Establishing a probationary period of up to one year to allow the permit holder to continue to operate the private club while coming back into compliance with those requirements found to be noncompliant at the public hearing.
  - iii. If the cause of noncompliance is the result of an audit regarding receipt requirement as described in item III. of this subsection, the permit holder shall demonstrate achieving the required percentage of food sales for not less than 50 percent of the months of the probationary period. At the behest of the City Manager, this evidence may be provided through an additional audit at the permit holder's expense, performed by an accountant selected by the City Manager.
  - iv. The results of this audit shall be scheduled for consideration at a City Council meeting, with advance notification and participation of the permit holder conducted as described in provisions d. and e. above in this subsection.
  - v. If the City Council enters an order finding compliance, the probationary period(s) shall be ended and the permit holder's operations under the Specific Use Permit may be continued.
  - vi. If the City Council enters an order finding noncompliance, the Council shall order immediate suspension of the operation of the private club, and immediate action to revoke or delete the Specific Use Permit for a private club from the zoning of the permit holder's property.
- h. A Specific Use Permit for the operation of a private club shall not be issued for a period of one year for an establishment that has had a Specific Use Permit revoked pursuant to the procedures described above in this section.

## **7. Sexually Oriented Business** ([back to table](#))

A sexually oriented business is an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

a. Where Table 2-26: Table of Uses, indicates "C":

- I. The use shall comply with the standards in [Chapter 138, Article V, Sexually Oriented Businesses](#).

**8. Telecommunication Structure, High Rise** [\(back to table\)](#)

A support structure that exceeds 40 feet in height in which commercial broadcasting or telecommunication antennae are mounted. This definition also includes any ancillary ground equipment needed to facilitate communication or broadcasting activities. This definition shall also include a satellite dish exceeding twelve (12) feet in diameter and a microwave-transmitting tower. All radiating equipment must comply with Federal Communications Commission (FCC), Environmental Protection Agency (EPA), Occupational Health and Safety Administration (OSHA), and all other applicable State and Federal regulatory agency requirements and guidelines for human safety, as they exist or may be amended.

- a. Where Table 2-26: Table of Uses indicates an "S":
  - I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*; and
  - II. The extent to which the proposed antenna complies with the provisions of §206.H, Communication Antennas, Support Structures and Satellite Dishes of this Article;

**9. Telecommunication Structure, Low Rise** [\(back to table\)](#)

A support structure that does not exceed 40 feet in height in which commercial broadcasting or telecommunication antennae are mounted. This definition also includes any ancillary ground equipment needed to facilitate communication or broadcasting activities. All radiating equipment must comply with Federal Communications Commission (FCC), Environmental Protection Agency (EPA), Occupational Health and Safety Administration (OSHA), and all other applicable State and Federal regulatory agency requirements and guidelines for human safety, as they exist or may be amended.

- a. Where Table 2-26: Table of Uses, indicates "C":
  - I. Shall be subject to the provisions of this section.
  - II. The maximum height of the structure may extend above the allowable height of the governing zoning district, not to exceed 40 feet even if an applicable overlay district allows a taller height. Heights greater than 40 feet may be approved by the City Council via the Specific Use Permit Process.

**10. Telecommunication Structure, Stealth** [\(back to table\)](#)

A structure that is designed to accommodate commercial communication or broadcasting antennae that is concealed or camouflaged in a manner that any antennae appear to a casual observer to be something other than a telecommunications facility.

- a. Where Table 2-26: Table of Uses, indicates "C":
  - I. Shall be subject to the provisions of this section;
  - II. Shall be designed and constructed in such a manner to be consistent with the existing landscape, streetscape, or development pattern of the area;
  - III. Stealth Telecommunication Structures shall only include:
    - a. A commercial antenna placed wholly within any permitted building or structure;
    - b. A structure without any visible antennae that is designed to resemble something other than a telecommunication device including, but not limited to a development identification monument, flagpole, clock tower, or athletic field light pole;
    - c. A commercial antenna attached to a utility structure (e.g., electrical transmission/distribution tower, elevated water storage tank, etc.) regardless of the height of said structure;
    - d. A commercial antenna on the roof of a building in a non-residential zoning district that is not visible from an adjacent property or right-of-way;
    - e. A commercial antenna mounted flush to the exterior of a building/structure in a non-residential zoning district that is painted and/or disguised to integrate into the overall architectural design and is not readily visible/identifiable as an antenna from public roadways or neighboring residential properties; or
    - f. Another type of stealth telecommunication structure that has been approved by the City Council via the Specific Use Permit Process.

- IV. The maximum height of the structure may extend 25 percent above the allowable height of the governing zoning district, not to exceed 75 feet even if an applicable overlay district allows a taller height. Heights greater than 25 percent or 75 feet may be approved by the City Council via the Specific Use Permit Process.
- V. Structures that exceed the height allowances of this section shall be treated as high-rise telecommunication structures.

**11. Wind Energy Conversion System** [\(back to table\)](#)

An area of land with equipment used for the commercial production of wind energy. This may include devices such as a wind charger, windmill, turbine, or other similar device and its associated mechanical and electrical equipment, typically mounted on a tower or pole and designed to convert wind energy to a usable form. Standards for this use include:

**a. Specific Use Permit**

Where Table 2-26: Table of Uses indicates an "S":

- I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

**b. General Regulations**

- I. No WECS shall be erected without first obtaining a WECS (wind turbine) permit from the Chief Building Official. The permit's application shall be submitted with the required numbers and types of plans as deemed necessary by the Chief Building Official to adequately review the proposal.
- II. All WECS shall meet or exceed current standards and regulations of the Federal Aviation Administration (FAA) and any other governmental agency with the authority to regulate such systems.
- III. No WECS shall exceed the height limitations imposed by virtue of aircraft approach and turning zone height restrictions.
- IV. No grid-interconnected WECS shall be installed until evidence has been provided to the City that the appropriate electric power provider has approved the customer's intent to install a grid-connected customer-owned WECS and that the customer's system meets the utility's approved specifications for interconnection.
- V. WECS shall only be permitted as an accessory use to a separate, primary use, except WECS may be permitted as the primary use on industrially zoned properties that are 50 acres or larger.
- VI. All WECS shall be located behind the front face of the primary building unless the property is industrial zoned and there is no primary building.
- VII. Any mechanical, electrical, or other equipment associated with the tower or other support structure shall comply with the accessory structure setbacks as specified in §205G.2.c of this Article.
- VIII. Building-mounted WECS' blade arc spheres shall have a minimum 5-foot clearance from any structure, tree or any other impediment. Free-standing WECS' blade arc spheres shall have a minimum 30-foot clearance from any structure, tree or any other impediment.
- IX. No free-standing WECS shall include a ladder or any other tower climbing apparatus within 12 feet of the ground.
- X. All commercial signs, flags, lights, and attachments shall be prohibited on a WECS, unless required for communications operations, structural stability, or as required for flight visibility by the FAA.
- XI. All WECS shall be filtered, shielded, or otherwise designed and constructed so as not to cause electrical, radio frequency, television, and other communication signal interference.
- XII. All WECS shall be painted a neutral or earth tone color. The paint type shall be a dull or matte finish so as to reduce the possibility of any glares or reflections and to minimize the visual obtrusiveness of the WECS.
- XIII. All WECS shall be constructed in a monopole design of tubular steel and shall be self-supporting without the use of guy wires or other similar features.

- XIV. All WECS shall be equipped with a manual and/or an automatic braking device capable of stopping the WECS operation in high winds.
- XV. All WECS shall be grounded and shielded to protect against natural lightning strikes and stray voltage, including the blades, in accordance with the National Electric Code.
- XVI. All WECS shall be designed to withstand loads including, but not limited to ice and wind, as detailed in the International Building Code.
- XVII. All WECS shall be adequately designed structurally, electrically, and in all other respects to accommodate the safety and general wellbeing of the public. All WECS shall be required to meet all applicable regulations specified in the International Building Code, National Electric Code, and any other applicable regulatory documents.
- XVIII. All WECS shall be maintained at all times according to the manufacturer's specifications and all other applicable regulations including, but not limited to the International Building Code and the National Electric Code.

**c. District-Specific Regulations**

**I. Single Family Residential Zoning Districts**

WECS shall not be permitted.

**II. Multi-Family Residential Zoning Districts**

WECS are only permitted for multi-family residential uses and are subject to the following:

**a. Maximum Height**

The maximum height for a WECS shall be the maximum height allowed in the governing zoning district plus 10 feet.

**b. Setbacks From a Property Line**

WECS shall be set back a distance equal to half the height of the WECS, unless adjacent to a single-family district or a residential use, except multi-family and mobile home, when the setback shall be a distance equal to the height of the WECS.

**III. Industrial Districts**

WECS are permitted only as follows:

**a. Maximum Number of Allowable WECS**

1 WECS shall be permitted on each lot. The allowable number of WECS may be increased beyond a maximum of 3 WECS with approval of a Specific Use Permit.

**b. Maximum Height**

150 feet.

**c. Setbacks from a Property Line**

WECS shall be set back a distance equal to half the height of the WECS, unless adjacent to a single-family district or a residential use, except multi-family and mobile home, when the setback shall be a distance equal to the height of the WECS.

**IV. Historic Districts**

In the H – Historic Overlay, MTC -- McKinney Town Center, or PDs encompassing historic districts, WECS are permitted only as follows:

- a. WECS shall be allowed within the historic districts with approval of a Specific Use Permit, provided they are designed and located to blend with and conform to the historic district design standards and character in order to preserve the historic integrity of the district and are approved through the normal historic district design review process for each historic district, subject to the approval of the Director of Planning.
- b. All proposed WECS shall require a Certificate of Appropriateness issued by the Director of Planning, prior to the approval of a Specific Use Permit.

**V. Non-Residential Zoning Districts**

Except as otherwise specified in subsections II. and IV. above, WECS are permitted in non-residential zoning districts, including the Government Complex District, only as follows:

**a. Maximum Number of Allowable WECS**

One WECS shall be permitted on each lot however the allowable number of WECS may be increased to a maximum of 3 WECS with the Planning and Zoning Commission's approval of a proposed site plan. The allowable number of WECS on each lot may be increased beyond a maximum of 3 WECS with approval of a Specific Use Permit.

**b. Maximum Height**

The maximum height for a WECS shall be the maximum height allowed in the governing zoning district plus 10 feet. The height of a WECS may be increased to a maximum of 125 feet with approval of a Specific Use Permit.

**c. Setbacks from a Property Line**

WECS shall be set back a distance equal to half the height of the WECS, unless adjacent to a single-family district or a residential use, except multi-family and mobile home, when the setback shall be a distance equal to the height of the WECS.

**d. Abandoned Systems**

Any WECS which is not used in operation for 12 consecutive months shall be deemed abandoned and shall be removed by the owner of the property where the WECS is located. The city shall notify the WECS property owner of the issue and the WECS property owner shall have 60 days to take down the WECS. An extension of 30 days may be granted by the Chief Building Official.

**e. Systems in Disrepair**

A WECS that has become unstable, leans so as to be no longer perpendicular with the ground, or that poses a danger of collapse shall be removed or brought into repair within 60 days following notice by the city to the owner of the lot upon which the WECS is located. The City may order immediate repairs in the event of imminent collapse.

## 206 Development Standards

### A. Landscaping

#### 1. Purpose

Landscaping is accepted as adding value to property and is in the interest of the general welfare of the city. Accordingly, this section requires the provision of landscaping with development to:

- a. Protect and enhance the visual appeal of the City of McKinney;
- b. Contribute to high-quality development;
- c. Improve air quality;
- d. Buffer potentially incompatible neighboring land uses;
- e. Protect and enhance residential and commercial property values; and
- f. Mitigate the environmental and visual impacts of surface parking areas.

#### 2. Applicability

Information required to demonstrate compliance with this section shall be shown on a Landscape Plan pursuant to the procedure outlined in §203E.2, *Landscape Plan*.

##### a. New Development

Landscaping is required as provided in this section for all new development.

##### b. Redevelopment and Changes in Use

Landscaping is required as provided in this section for:

- I. Any expansion or alteration of any existing parking lot, with the exception of re-stripping; and
- II. Any change of use that requires the expansion of the parking area shall result in a requirement for landscaping adjacent to the expansion being brought into conformance with the requirements of this section.

##### c. Exceptions

###### I. MTC -- McKinney Town Center

Uses within the MTC – McKinney Town Center zoning district shall be exempt from the landscape requirements set forth in this section, unless it is determined by the Director of Planning that compliance with any of these standards is achievable and would contribute to the purpose and intent of the MTC – McKinney Town Center zoning district. See Appendix 2B: McKinney Town Center MTC, of this Code for any additional landscaping requirements that may be specifically applicable to the MTC – McKinney Town Center zoning district.

###### II. Airfields

Airfields (commonly known as the "air side" of an airport's perimeter boundary fence or wall) which accommodate fixed-wing aircrafts on a concrete runway with a length of at least 5,000 feet and allow for the operation of rotary-wing aircrafts shall be exempt from the landscape requirements of §206A.5.c, *Non-Residential Development*, of this section.

###### III. Parks

City-owned neighborhood parks as defined in the Parks Master Plan, as amended, that are developed, redeveloped, or expanded shall be exempt from the requirements of this section.

#### 3. Site Landscape Standards for All Uses

##### a. Generally

The following standards shall apply to all properties regardless of the land use or zoning district.

- I. Required landscaped areas shall be completely covered with living plant material, unless otherwise noted herein.
- II. Required landscaped areas shall be protected by a monolithic curb.

- III. Sidewalks and driveways crossing the street buffer by the shortest distance possible shall be allowed. Meandering sidewalks and shared use trails shall be allowed within the street buffer, so long as required tree plantings are not affected.
- IV. All trees shall be provided with a permeable surface that does not impede the absorption of water, extending a minimum two-foot, six-inch radius from the trunk of the tree.
- V. Earthen berms shall not have side slopes that exceed 4:1 (four feet of horizontal distance for each one foot of height), if applicable.
- VI. Detention and retention easements shall not be located in a required street or adjacency buffer, unless otherwise approved by the Directors of Engineering and Planning. In no case shall the detention and retention easement encroach on more than 50 percent of the required street or adjacency buffer. If a portion of the required street or adjacency buffer is used for a detention and retention easement the slope within the landscape or perimeter buffer shall not exceed 6:1 (six feet of horizontal distance for each one foot of height).
- VII. Artificial turf is prohibited in the front yard and corner side yard of single-family residential properties. Artificial turf is prohibited in required landscaping areas on non-residential and multi-family residential properties.
- VIII. All required landscape areas shall be irrigated. When provided, all automatic underground irrigation systems shall:
  - a. Be equipped with rain and freeze sensors, or a weather-aware internet device;
  - b. Be designed by a qualified professional, and installed by a licensed irrigator after receiving a permit, as may be required under the construction code; and
  - c. Comply with the City's [water conservation ordinance](#) as it exists or may be amended.
- IX. Required plant materials shall conform to the standards of the approved plant lists for the City, provided in Appendix 2A: Approved Plant List. The Director of Planning may approve plants for use that are not on the approved plant lists so long as they meet the following criteria:
  - a. A specification sheet is provided to show that the proposed plant is compatible with the area and is not vulnerable to major diseases or pests.

**4. Planting Requirements**

**a. Minimum Plant Material Dimensions**

Required plant materials shall conform to the minimum dimensions in Table 2-28: Minimum Landscape Measurements and Standards.

Table 2-28: Minimum Landscape Measurements and Standards		
	At Time of Planting (All Apply)	At Maturity
<b>Canopy trees</b>	Caliper: 4 inches [1] Height: 12 feet	Capable of attaining a crown spread of at least 25 feet.
<b>Ornamental trees</b>	Caliper: 2 inches [1] Height: 8 feet	Capable of attaining a crown spread of 15 feet. [2]
<b>Tall Evergreen Shrubs</b>	Height: 3 feet Spacing: No further apart than 3 feet on center	Screening shall form a continuous, unbroken, solid visual screen 6 feet in height within 2 years after time of planting, unless otherwise approved by the Director of Planning.
<b>Low Evergreen Shrubs</b>	Height: 2 feet Spacing: No further apart than 3 feet on center	Shrubs shall be maintained at 3 feet in height within 2 years after time of planting.
<b>Evergreen Vines</b>	May be used in conjunction with fences, screens, or walls to meet landscape screening and/or buffering requirements, as approved by the Director of Planning.	

**Table 2-28: Minimum Landscape Measurements and Standards**

	At Time of Planting (All Apply)	At Maturity
<b>Grass Areas</b>	Shall be sodded, plugged, sprigged, hydro-mulched, or seeded, except that solid sod shall be used in swales, or when necessary to prevent erosion. Shall be established with 100 percent coverage and 70 percent density with an approved perennial grass prior to the issuance of a certificate of occupancy. Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pest and insects. Ground covers used in-lieu-of grass shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one year of planting.	

[1] Caliper measurement of the trunk shall be taken 6 inches above the ground for new plantings.

[2] Ornamental trees with a crown spread of less than 15 feet at maturity may be grouped to create the equivalent of a 15-foot crown width.

**b. Tree Placement and Clearances**

- I. If a required canopy tree is proposed within 12 feet of a building foundation, an alternate planting location on-site may be approved by the Director of Planning.
- II. No tree shall be planted closer than four feet to a right-of-way line, nor closer than eight feet to any public water line, wastewater line, fire protection connection, or drainage line, nor within any detention pond, unless approved by the Director of Engineering.
- III. A landscape area in which trees are to be provided shall not overlap or otherwise infringe upon a utility easement, unless no alternative is available.
- IV. No tree that has a mature height of 25 feet or greater shall be planted within ten feet of an existing or proposed overhead utility line. Where canopy trees are required adjacent to or underneath overhead utility lines, ornamental trees shall be provided instead of the required canopy trees at a ratio of two ornamental trees per every one required canopy tree.

**c. Tree Preservation Credit**

Any trees preserved on a site that meet the specifications below may be used to satisfy the tree requirements of §206A.4, *Planting Requirements*. Trees preserved for landscape requirements cannot be used to offset mitigation.

- I. Quality trees shall receive credit.
- II. Existing non-quality trees may receive credit, subject to the approval of the Director of Planning.
- III. In a non-residential context, tree preservation credits shall only apply to the buffer or parking area where the tree is preserved.
- IV. Any trees proposed for tree preservation credit shall be designated on the Landscape Plan, with description of the species, size, and exact location.
- V. Trees that are diseased, compromised, or nearing the end of their viable lifespan shall not be eligible for credit, as determined by the Director of Planning.
- VI. All existing trees eligible for tree preservation credit shall be subject to the provisions of §206B, *Tree Preservation*.

**Table 2-29: Tree Preservation Credits**

DBH [1] of Existing Tree	Credit against Tree Requirement
Trees 6" or greater located in required landscape buffers adjacent to residential zones or uses	1 tree
6 to 8 inches	2 trees
9 to 15 inches	3 trees
16 to 30 inches	4 trees
31 to 46 inches	5 trees
47 or more inches	8 trees

[1] DBH means diameter at breast height.

**d. Sight Distance and Visibility**

- I. Compliance with these landscaping requirements shall not be permitted to cause visibility obstructions and/or blind corners at intersections. Whenever an intersection of two or more streets, streets and driveways (other than residential), and two fully-on-site non-residential driveways occur, a triangular visibility area shall be maintained.
- II. Landscaping within the visibility triangle shall be designed to provide unobstructed cross-visibility between two and seven feet in height, or as otherwise specified in the Engineering Design Manual. At the discretion of the Director of Engineering, trees may be permitted in this area provided they are trimmed in such a manner that no limbs or foliage extend into the cross-visibility area.
- III. Sight visibility triangles shall remain unobstructed from all other impediments.

**e. Delayed Landscape Installation**

When special circumstances exist, the installation of required landscaping may be delayed up to six (6) months by the Director of Planning. However, when the installation of required landscaping is delayed during stage 3 or stage 4 drought conditions, the required landscaping may be delayed until the drought restrictions are lifted. Once the drought restrictions are lifted, the required landscaping must be installed within three (3) months. Prior to delaying any landscaping required by this article, the developer shall provide the city with an escrow payment, or some other financial assurance deemed acceptable to the Director of Planning, equal to all cost of installing the landscaping, plus an additional 20 percent (collectively the “financial assurance”). During periods where landscaping has been temporarily delayed, temporary certificates of occupancies may be issued by the city. If the required landscaping is not installed within the prescribed timeframes, the development shall be deemed to be in violation of this section and no additional permits, temporary certificates of occupancy, certificates of occupancy, or certificates of completion will be issued. The financial assurance provided by the developer shall not be returned until all required landscaping has been installed and approved by the city. The provision of such financial assurance shall not limit the city’s right to pursue civil penalties therefrom under Chapter 54 of the TLGC if developer fails or refuses to timely install the required landscaping. The requirement to establish permanent vegetation to address erosion control may not be delayed using this section.

**5. Site-Specific Landscape Standards**

**a. Single-Family Residential Uses**

**I. Required Trees**

In single-family residential zoning districts, tree planting requirements as shown in Table 2-30: *Tree Requirements by* , Tree requirements must be met before obtaining a certificate of completion and shall be maintained

Table 2-30: Tree Requirements by Lot Size	
Lot Size (square feet)	Minimum Number of Canopy Trees per Residential Lot [1]
≥43,000	6
12,000 – 42,999	4
4,001-11,999	2
≤4,000	1

[1] A minimum of one tree or half the required trees for any lot, whichever is greater, must be planted in the front yard.

[2] For PD and MR zoning districts, multi-family uses shall follow the multi-family landscaping standards in 206.A.5.b and single-family residential uses use the standards provided by this table.

**II. Street Trees in Lieu of Trees per Lot**

Residential developments in the R6, R5, R3, and TR1.8 zoning districts may provide street trees in lieu of the canopy trees required in Table 2-. Street trees shall be provided in compliance with the standards of the Engineering Design Manual. Street trees shall:

## **Article 2: Zoning Regulations**

206 Development Standards

A Landscaping

- a. Be shown on a Screening and Buffering Plan submitted as part of a Development Permit and Final Plat; and
- b. Be provided in accordance with Appendix 2A: Approved Plant List.

**b. Mixed-Use Residential and Multi-Family Residential Development**

In multi-family residential zoning districts and for mixed-use residential and multi-family residential uses in non-residential zoning districts, the following shall apply:

**I. Site Standards**

- a. A minimum of 10 percent of the site area shall be living landscaping, including grass, ground cover, plants, shrubs, or trees.
- b. To achieve species diversity on a site, no single species may account for more than 25 percent of the total required trees to be planted on a site.

**II. Specific Requirements**

- a. Single-family residential uses that develop in a multi-family residential zoning district shall follow the single-family residential landscape standards provided in Section 206A.5.a.
- b. The landscaping requirements shown in Table 2- and Figure 2-15 shall apply to all mixed-use residential and multi-family residential development.

**Table 2-31: Mixed-Use Residential and Multi-Family Landscaping Requirements**

**Landscape Buffer Requirements**

A	Street Buffer [1]	Minimum 20 feet in width parallel to front property line, unless the existing or planned adjacent right-of-way exceeds 200 feet in width, then a 25-foot landscape buffer shall be provided.
B	Adjacency Buffer	Minimum 20 feet in width parallel to side and rear property lines. [4]

**Tree Requirements [2]**

C	Street Buffer trees	1 canopy tree per 30 linear feet or portion thereof shall be planted within the associated Street Buffer; Trees may be clustered to facilitate site design.
D	Adjacency Buffer trees	1 canopy tree per 30 linear feet or portion thereof shall be planted within the associated Adjacency Buffer; trees may not be clustered.

**Parking Area Requirements**

	Landscaping Required	Canopy trees shall be required at a rate of 1 tree for every 7 surface parking spaces (based on the total number of parking spaces). Every surface parking space shall be located within 65 feet of a tree.
	Circulation	All parking, loading, maneuvering, and circulation areas shall be well-defined by a curb, unless a drainage condition exists where curb cuts would be approved by the Director of Engineering. Landscape areas are required at the end of every parking row. Landscaping, except required grass and low ground cover, shall not be located any closer than 3 feet to a parking space, drive aisle, or fire lane.
	Landscape Areas	Minimum width: 6 feet [3] Minimum width with tree: 9 feet Up to 50 percent of each landscape area located at the end of a parking row may be finished with non-living materials.

[1] Necessary driveways from the public right-of-way and shared drives shall be allowed to intersect perpendicularly with required landscaping areas in accordance with City regulations, as long as it does not overly degrade the function of the required landscape areas.

[2] Where unavoidable utility conflicts exist, trees may be planted adjacent to the required buffer.

[3] Additional width may be required to accommodate fire access, utilities, and equipment required by the fire department.

[4] Mixed-use residential and multi-family residential uses in non-residential zoning districts shall provide an adjacency buffer that is 10 feet in width parallel to side and rear property lines that are adjacent to a single-family district or a residential use.

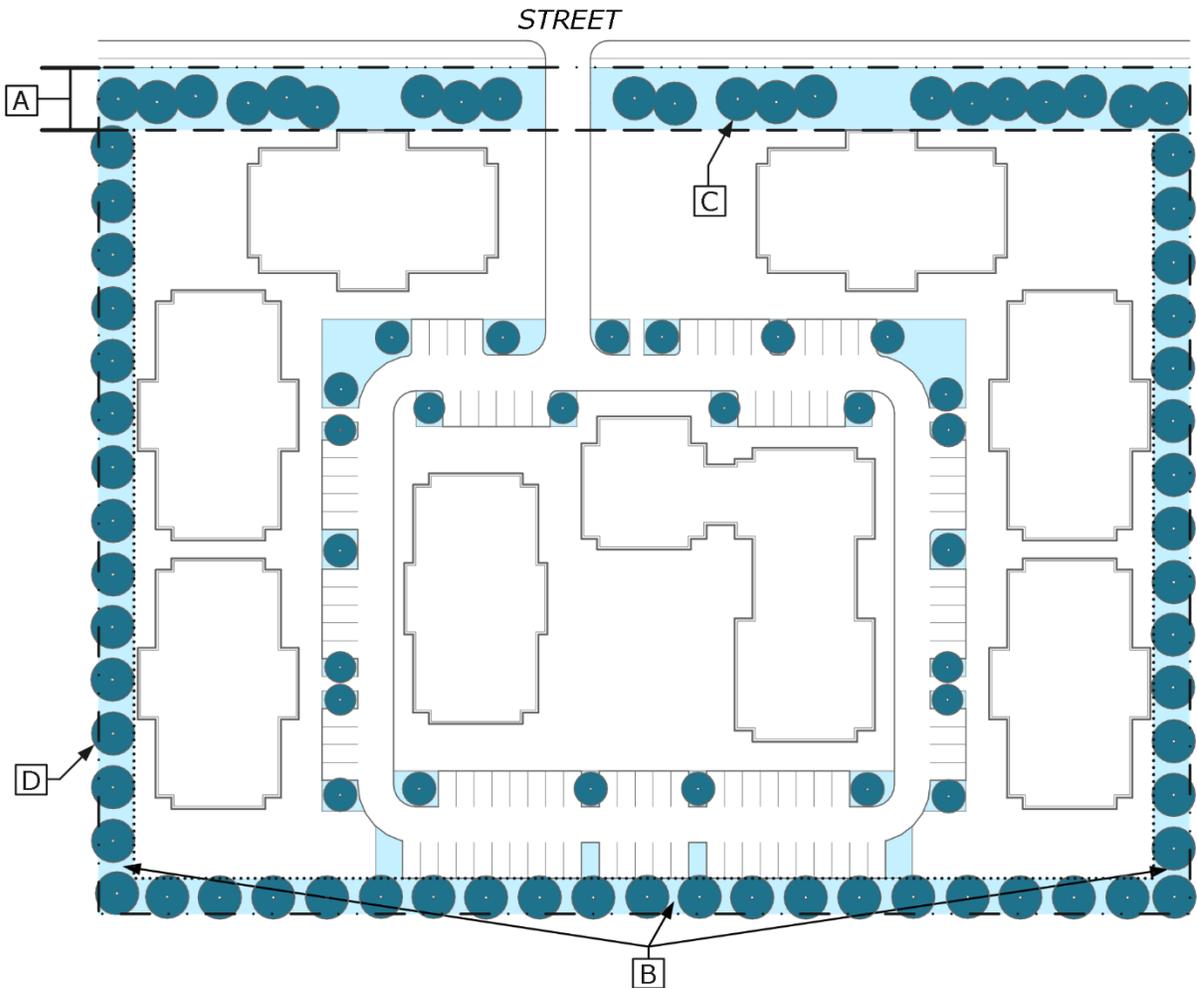


Figure 2-15: Multi-Family Landscaping Requirements

**c. Non-Residential Uses**

**I. Site Standards**

- a. A minimum of 10 percent of the site area shall be living landscaping, including grass, ground cover, plants, shrubs, or trees.
- b. To achieve species diversity on a site, no single species may account for more than 25 percent of the total required trees to be planted on a site.

**II. Specific Requirements**

The landscaping requirements shown in Table 2- and Figure 2-16 shall apply to all non-residential development.

**Table 2-32: Non-Residential Landscaping Requirements**

Landscape Buffer Requirements				
A	Street Buffer [1] [2]	<b>Based on Adjacent Right-of-Way Width</b>		
	<i>ROW width</i>	0-59 ft	60-199 ft	200+ ft
	<i>Required Buffer Width</i>	10 ft	20 ft	25 ft
		100 percent of the street buffer shall be living landscaping.		
B	Adjacency Buffer	10 feet in width parallel to side and rear property lines that are adjacent to a single-family district or a residential use, except multi-family and mobile home.		
C	Vehicular Use Buffer	Minimum 5 feet wide landscape area where parking or drive aisles abut a property line, except when a mutual access easement (shared drive aisle) is located on a property line.		
Tree Requirements [6]				
D	Street Buffer Trees [4]	1 canopy tree per 40 linear feet or portion thereof shall be planted within the associated Street Buffer; Trees may be clustered to facilitate site design.		
E	Adjacency Buffer Trees [3]	1 canopy tree per 40 linear feet or portion thereof shall be planted within the associated Adjacency Buffer. Trees may not be clustered.		
Parking Area Requirements				
	Landscaping Required	Canopy trees shall be required at a rate of 1 tree for every 7 surface parking spaces (based on the total number of parking spaces) Every surface parking space shall be located within 65 feet of a tree. [7]		
	Circulation	All parking, loading, maneuvering, and circulation areas shall be well-defined by a curb, unless a drainage condition exists where curb cuts would be approved by the Director of Engineering. Landscape areas are required at the end of every parking row. Landscaping, except required grass and low ground cover, shall not be located any closer than 3 feet to a parking space, drive aisle, or fire lane.		
	Landscape Area	Minimum width: 6 feet [5] Minimum width with tree: 9 feet Up to 50 percent of each landscape area located at the end of a parking row may be finished with non-living materials.		
<p>[1] For lots with multiple frontages, contiguous frontages shall observe the greatest minimum street buffer width.</p> <p>[2] Necessary driveways from the public right-of-way and shared drives shall be allowed to intersect perpendicularly with required landscaping areas in accordance with city regulations, as long as it does not overly degrade the function of the required landscape areas.</p> <p>[3] When the side or rear property line of a lot is located in or directly adjacent to a floodplain, existing trees within that lot may be used to meet the requirement for Adjacency Buffer Trees, regardless of tree species or type.</p> <p>[4] Trees located within a floodplain area on an applicable lot may be used to meet the requirement for Street Buffer Trees along a public right-of-way, subject to the approval of the Director of Planning.</p> <p>[5] Additional width may be required to accommodate access and utilities required by the fire department.</p> <p>[6] Where unavoidable utility conflicts exist, trees may be planted adjacent to the required buffer.</p> <p>[7] Areas designated vehicle display parking associated with an auto, motorcycle, truck, or boat, rental or sales, are exempt from this requirement. However, the required trees for vehicle display parking areas shall not be clustered.</p>				

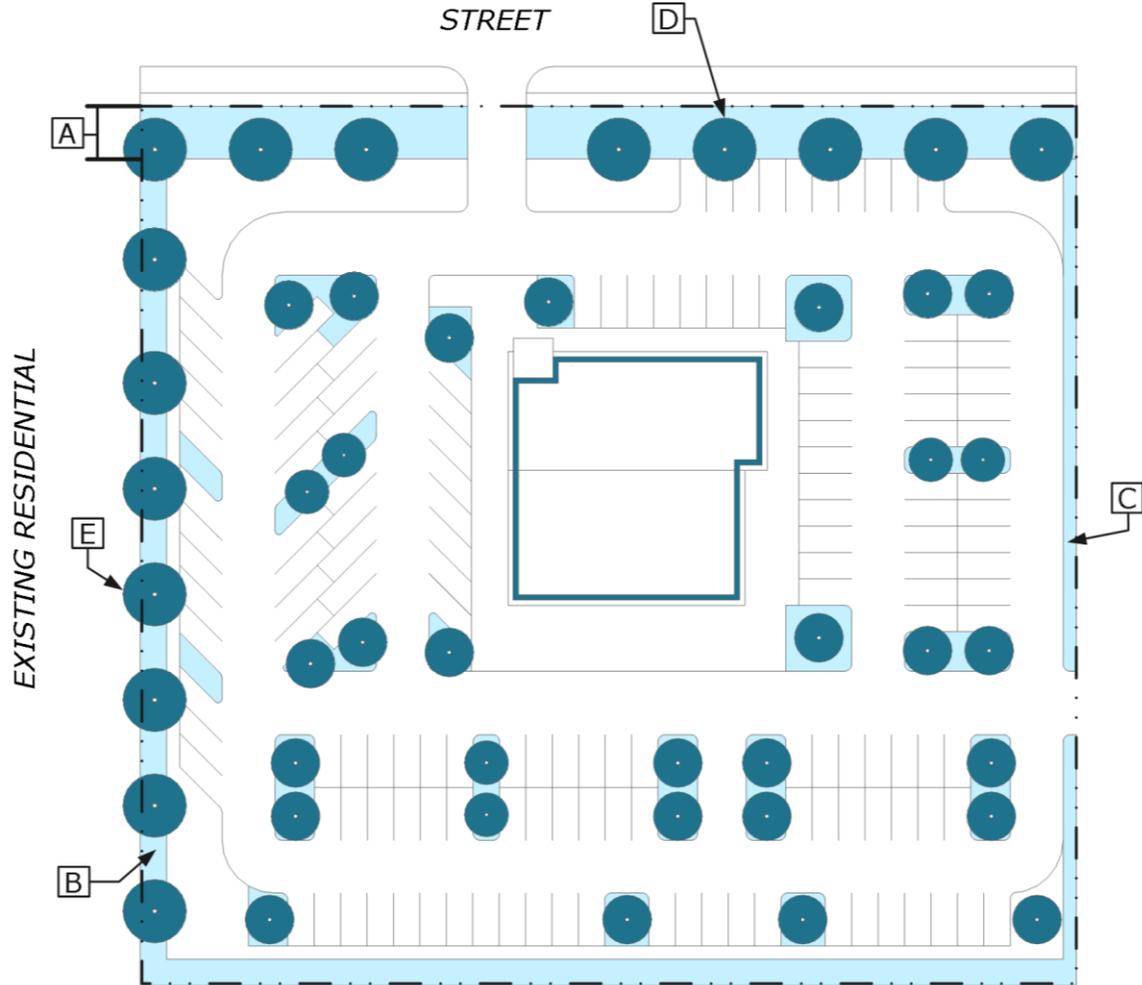


Figure 2-16: Non-Residential Landscaping Requirements

## 6. Design Exceptions

Pursuant to §203G.1, *Design Exception*, the following landscape requirements may be eligible for a Design Exception:

- a. Street Buffer. The Street Buffer width may be reduced to no less than 10 feet in accordance with the approval criteria in §203G.1 and with the following additional criteria:
  - I. The reduction establishes a consistent street buffer with adjacent developed properties, which are not separated by a street or an alley, and
  - II. The reduction will create a unified landscape design along the street frontage.
- b. Adjacency Buffer. The Adjacency Buffer width may be reduced in accordance with the approval criteria in §203G.1.
- c. Tree Plantings. The required tree ratio requirements may be reduced in accordance with §203G.1, *Design Exception*.
- d. Parking Area. The materials used or the percentage of non-living materials in a landscape area at the end of a parking row may be modified in accordance with §203G.1, *Design Exception*.

## Article 2: Zoning Regulations

206 Development Standards

A Landscaping

**B. Reserved**

**C. Screening**

**1. Purpose**

The purpose of this section is to minimize potential conflicts between adjacent land uses, protect the privacy and value of adjacent land uses, and provide minimum standards for the provision of screening devices.

**2. Applicability**

Information required to demonstrate compliance with this section shall be shown on a Site Plan and Landscape Plan pursuant to the procedures outlined in §203E.1, *Site Plan*, and §203E.2, *Landscape Plan*.

- a. Parks owned by the City of McKinney shall not be required to meet the requirements of this Section.

**3. Screening Requirements**

**a. Screening of Uses Required**

Use	Requirements	Minimum Height		
		All districts	Non-industrial districts	Industrial districts
<b>Single-family residential [1]</b>	Screen along all side and rear property lines where adjacent to non-residential uses or zoning districts, and along adjacent thoroughfares as required in 206C.3.c.	6 feet	8 feet, 4 inches	N/A
<b>Multi-family residential and manufactured housing [1]</b>	Screen along all side and rear property lines with a solid masonry screening device.	6 feet	8 feet, 4 inches	10 feet
<b>Non-residential [1]</b>	Screen along all side and rear property lines where adjacent to existing residential uses or zoning districts	6 feet	8 feet, 4 inches	10 feet
<b>Contractor's Yard, Impound Lot or Yard, and Salvage Yard</b>	Shall be enclosed with a screening device except associated offices and customer parking. Machinery and equipment may extend beyond the height of the required screening device.	7 feet	8 feet, 4 inches	10 feet
<b>MTC – McKinney Town Center Zoning District</b>	See Appendix 2B: <i>McKinney Town Center MTC</i>			

[1] See subsection b. for Exceptions.

**b. Exceptions**

Screening devices for screening of uses in Table 2-33 shall not be required in the following conditions:

- I. If a street is located between the uses.
- II. If an approved screening device already exists along the property line;
- III. The portion of the subject property to be screened contains a wooded area that shall be maintained for the life of the project and a tree survey indicates that a majority of the trees in the wooded area

on the subject property are found to be "quality trees," as defined in Appendix 2A: Approved Plant List; or

- IV. The portion of the subject property to be screened is adjacent to a floodplain, as defined in Section 805A, containing existing trees that provide natural screening.
- V. For neighborhood amenity centers, as defined in 205F.5, built within residential neighborhoods.
- VI. For mixed-use residential and multifamily residential uses in C3 – Regional Commercial and O2 – Regional Office districts, screening is not required adjacent to non-residential, mixed-use residential or multi-family residential uses.

**c. Screening of Residential Developments from Thoroughfares**

- I. Residential developments with lots that back or side to a thoroughfare, including those lots that may not be immediately adjacent to a public thoroughfare, shall utilize one of the screening options in Table 2- to screen the residential developments.
- II. All required screening improvements within residential developments, including walls and any other improvements, shall be located within a landscape buffer that has been designated as a common area(s) that is owned and maintained by the homeowners’ association or property owners’ association.
- III. The plan shall provide for a consistent landscaping and fencing design and materials along both the backing and siding lots to create an overall desirable effect.

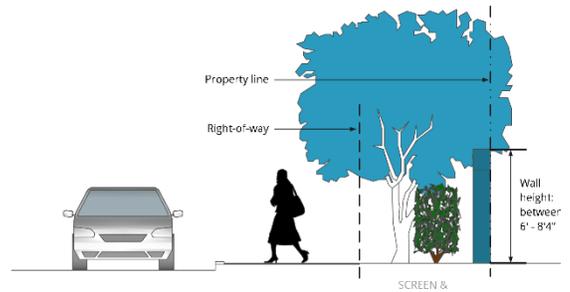
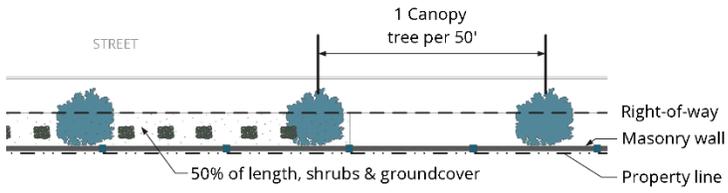
**Table 2-34: Screening Options**

Option	Requirements
<b>A</b>	<ul style="list-style-type: none"> <li>• Continuous masonry wall between 6 feet and 8 feet four inches in height; [1]</li> <li>• Minimum one 4-inch caliper canopy tree per 50 linear feet of frontage; and</li> <li>• Minimum 50% of length of screening to have bed of shrubs &amp; groundcover.</li> </ul>
<b>B</b>	<ul style="list-style-type: none"> <li>• Continuous wrought iron or tubular steel fence with masonry columns at 20 feet on center between 6 feet and 8 feet 4 inches in height and 6-foot tall evergreen shrubs; [1][2]</li> <li>• Minimum one 4-inch caliper canopy tree per 50 linear feet of frontage; and</li> <li>• Minimum 50% of length of screening to have bed of groundcover.</li> </ul>
<b>C</b>	<ul style="list-style-type: none"> <li>• Continuous 6-foot height evergreen shrubs, the center shall be planted 6 feet from the property line; [2]</li> <li>• Minimum one 4-inch caliper canopy tree per 50 linear feet of frontage;</li> <li>• Minimum two 2-inch caliper ornamental tree per 50 linear feet of frontage; and</li> <li>• Minimum 50% of length of screening to have bed of groundcover.</li> </ul>

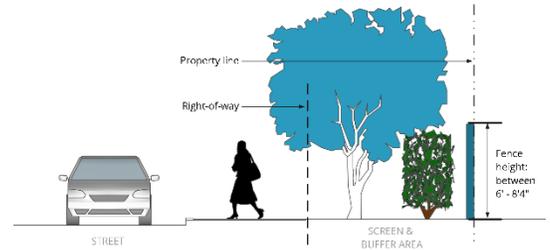
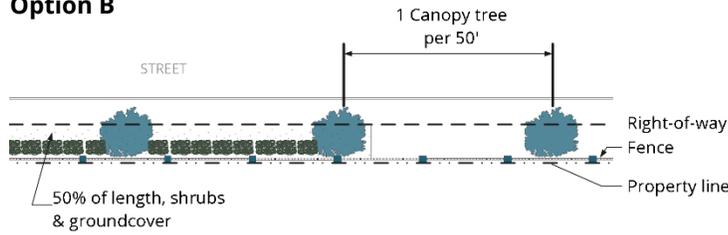
[1] Wall/Fence offsets shall be provided for all walls/fences with 1,000 feet or greater distance between openings. The offsets shall be between 1 to 3 feet in depth and between 100 to 300 feet in length.

[2] Shrubs must reach required height within two full growing seasons or 18 months, whichever is less.

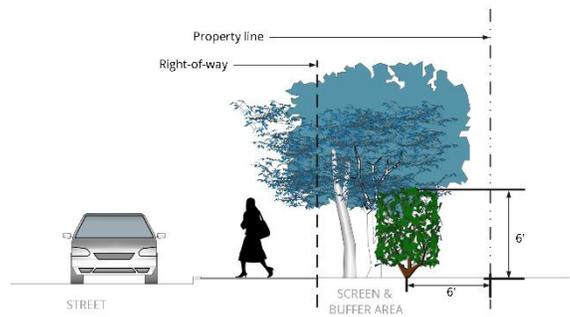
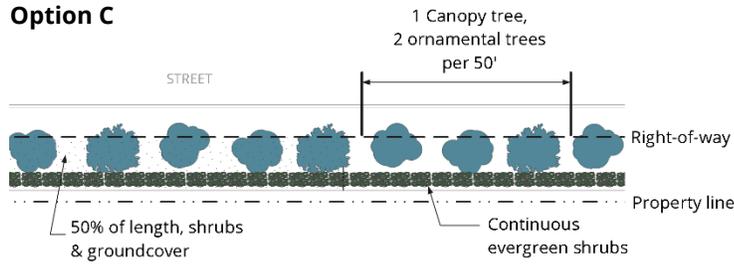
**Option A**



**Option B**



**Option C**



**Figure 2-17: Screening Options**

d. Site Feature Screening Required

Table 2-35: Site Feature Screening Requirements				
Site Feature	Requirements	Minimum Height		
		All districts	Non-industrial districts	Industrial districts
<b>Drone Delivery Storage [1]</b>	<p><b>Ground-Level Storage</b> shall be:</p> <ul style="list-style-type: none"> <li>Screened from public view and from adjacent single-family residential use or zone.</li> <li>No equipment shall be stacked higher than the top of the required screening device.</li> <li>Wall openings shall not exceed 26 feet in width and shall have an opaque gate or door.</li> </ul>	7 feet	8 feet, 4 inches	10 feet
	<p><b>Roof-Mounted Storage</b> shall be:</p> <ul style="list-style-type: none"> <li>Screened from public view and adjacent single-family residential use or zone.</li> <li>Screened with architectural metal or another material that is consistent with the materials of the building on which the equipment is placed.</li> </ul>	One foot taller than the equipment	One foot taller than the equipment	One foot taller than the equipment
<b>Outdoor Storage</b>	<ul style="list-style-type: none"> <li>Screen from public view and from adjacent single-family residential use or zone.</li> <li>No materials shall be stacked higher than the top of the required screening device.</li> <li>Wall openings shall not exceed 26 feet in width and shall have an opaque gate or door.</li> </ul>	7 feet	8 feet, 4 inches	10 feet
<b>Parking Lots</b>	<ul style="list-style-type: none"> <li>At least 75 percent of the frontage of parking lots adjacent to a public right-of-way shall be screened from public streets with low evergreen shrubs (meeting the planting requirements in Table 2-), earthen berm, a low masonry wall, or a combination of the above within the street yard.</li> <li>All parking spaces within mixed-use residential or multi-family residential developments adjacent to a single-family use or zone shall be screened with low evergreen shrubs (meeting the planting requirements in Table 2-).</li> </ul>	3 feet	3 feet	3 feet
<b>Vehicle Storage</b>	<ul style="list-style-type: none"> <li>Vehicle storage shall be screened from public view and from adjacent single-family residential use or zone.</li> </ul>	6 feet	8 feet, 4 inches	10 feet
<b>Loading Docks and Loading Bays</b>	<p>Loading docks and loading bays shall be:</p> <ul style="list-style-type: none"> <li>Oriented away from single-family residential use or zone.</li> <li>Screened with a door that is primarily opaque when closed.</li> <li>Loading docks and loading bays facing a public ROW shall provide street frontage canopy trees at an increased ratio of 1 tree per 30 linear feet of frontage within the landscape buffer adjacent to the public right-of-way.</li> </ul>			

**Table 2-35: Site Feature Screening Requirements**

Site Feature	Requirements	Minimum Height	Maximum Height	
<b>Bays for Auto or Equipment Servicing</b>	<ul style="list-style-type: none"> <li>Bays shall be oriented away from single-family residential use or zone, unless no other option is available.</li> <li>Bays shall be screened with a door that is finished with glass and shall be constructed to appear as a window when closed.</li> <li>Bays facing a public ROW shall provide street frontage canopy trees at an increased ratio of 1 tree per 30 linear feet of frontage within the landscape buffer adjacent to the public right-of-way.</li> <li>Bays facing Residential Uses or Zoning Districts shall provide adjacency buffer trees at an increased ratio of 1 tree per 30 linear feet within the entire landscape buffer adjacent to the property line.</li> </ul>			
<b>Mechanical, Heating, and Air Conditioning Equipment (Non-residential, mixed-use residential, and multi-family residential uses only)[1]</b>	<b>Roof-Mounted Equipment</b> shall be: <ul style="list-style-type: none"> <li>Screened from public view and adjacent residential property.</li> <li>Screened with architectural metal or another material that is consistent with the materials of the building on which the equipment is placed.</li> </ul>	One foot taller than the equipment	One foot taller than the equipment	One foot taller than the equipment
	<b>Ground-Level Equipment</b> shall be: <ul style="list-style-type: none"> <li>Screened from public view and from adjacent residential property.</li> <li>Screened with materials that are opaque and of an architecturally finished material; or that create a screening effect using evergreen shrubs for screening purposes, which shall be considered acceptable if provided in accordance with §206A, Landscaping.</li> </ul>	Equal to height of the equipment	8 feet, 4 inches	10 feet
	<b>Equipment Flush with Building</b> shall be: <ul style="list-style-type: none"> <li>Completely contained within the footprint of the exterior walls of a building.</li> <li>Integrated into the overall exterior of the building.</li> <li>Not readily visible or identifiable as mechanical, heating, and air conditioning equipment.</li> </ul>			
<b>Commercial Garbage/Recycling Containers</b>	<ul style="list-style-type: none"> <li>See §206D, Commercial Garbage/Recycling Sanitation Containers and Enclosures.</li> <li>Design Exception is not allowed.</li> </ul>	7 feet	8 feet, 4 inches	10 feet
<b>Service Vehicles</b>	<ul style="list-style-type: none"> <li>Service vehicles shall be screened from adjacent public rights-of-way and adjacent residential uses or zones.</li> </ul>	7 feet	8 feet, 4 inches	10 feet

[1] No screening shall be required if a sight line exhibit demonstrates that the mechanical, heating, and air conditioning equipment or drone delivery storage will not be visible from any adjacent residential property or public view.

**e. Screening Device Standards**

**I. Minimum Requirements for All Screening Devices**

- a. All required screening devices must be equally finished on both sides.
- b. All openings in the surface for passage shall be equipped with gates equal in height and screening characteristics specified, but need not be of the same material as the main fence or wall.
- c. A minimum five-foot (5') wide wall maintenance easement, dedicated to the HOA (if applicable), shall be provided on all lots abutting the required screening along the full length of the required screening wall or fence, unless separated by an alley. Such easement shall be shown on the Preliminary and Final Plats.

**II. Materials**

Screening device materials shall consist of the materials specified in Table 2-.

**Table 2-36: Screening Device Materials**

<b>Material</b>	<b>Standards</b>
<b>Masonry</b>	Brick, stone, or other architectural masonry finish (excludes stucco)
<b>Metal with Masonry Columns and Landscaping</b>	Primed and painted tubular steel, or wrought iron with masonry columns spaced a maximum of 20 feet on center with structural supports spaced every 10 feet. Plus, evergreen landscaping at least 3 feet in height at planting and spaced 3 feet apart on center, to create a solid screening effect
<b>Living Screening</b>	<p>A living screen meeting the requirements for Tall Evergreen Shrubs identified in Table 2-28: Minimum Landscape Measurements and Standards may be permitted under the following conditions:</p> <ul style="list-style-type: none"> <li>• Use of a living plant screen would result in preservation of existing trees in a wooded area as compared to another type of screening device; or</li> <li>• When screening heating, ventilation, and air conditioning (HVAC) equipment from the right-of-way.</li> </ul> <p>All living screens shall consist of evergreen shrubs identified as acceptable for screening at least 6 feet in height or greater in Appendix 2A: Approved Plant List and shall meet the standards identified in Table 2-28: <i>Minimum Landscape Measurements and Standards</i></p>
<b>Architectural Metal</b>	An architecturally finished metal material, not including corrugated metal, which positively contributes to the design of the building. Architectural metal shall only be an allowable screening material for roof-mounted mechanical, heating, and air conditioning equipment, unless otherwise approved as part of a Design Exception.
<b>Alternate Screening Device</b>	Another screening device material approved as part of a Design Exception.

**f. Design Exception**

Pursuant to §203G.1, *Design Exception*, the following screening requirements may be eligible for a Design Exception:

- I. Screening Device Material: A Design Exception to utilize an alternate screening device material may be requested pursuant to §203G.1, *Design Exception*, except a Design Exception for commercial garbage/recycling container screening shall not be allowed.

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## D. Commercial Garbage/Recycling Containers and Enclosures

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### 1. Purpose

The purpose of this section is to provide minimum standards for the provision of commercial garbage/recycling containers and enclosures.

### 2. Applicability

Information required to demonstrate compliance with this section for all non-residential and multi-family residential uses shall be shown on a Site Plan and Landscape Plan pursuant to the procedures outlined in §203E.1, *Site Plan*, and §203E.2, *Landscape Plan*. All commercial garbage/recycling containers and enclosures shall be subject to the review and approval of the Environmental Services Division of the Public Works Department.

### 3. Violations and Penalties

Violations and penalties shall be as described in Chapter 86, *Solid Waste*, of the McKinney Code.

### 4. Container Requirements

- a. A minimum of one commercial garbage container is required for non-residential and multi-family residential uses or as otherwise prescribed in the Public Works Department's Solid Waste Reference Manual. Sufficient capacity must always be provided to maintain compliance with all applicable codes.
- b. Any deviation from these standards shall require review and approval of the Environmental Services Division.

### 5. Enclosure Requirements

#### a. Location, Access, and Maneuverability Requirements

Commercial garbage/recycling containers and enclosures shall meet the following requirements:

- I. Enclosures shall be located behind the front of the main building unless no other option is available.
- II. Enclosures shall provide a minimum of 40 feet of straight back-up distance, as measured from the front gates of the enclosure, to accommodate a sanitation truck's maneuverability. If special circumstances prevent the provision of straight back-up distance, the Environmental Services Division shall have the authority to approve angled or alternative backing movements.
- III. Enclosures shall provide a 24-foot vertical clear zone, including trees and other natural obstructions.
- IV. Enclosures shall be located to facilitate pickup by garbage/recycling collection agencies, even during business hours.
- V. Enclosures shall not be located in a designated landscape buffer, parking space, or loading area.
- VI. Reinforced concrete pavement shall be provided for commercial garbage/recycling enclosure approaches for loading and unloading.
- VII. Only commercial garbage/recycling container shall be stored within the enclosures. Separate storage with full screening shall be provided for other items including but not limited to: barrels for oil or grease, non-functioning equipment, linens, pallets, or other items associated with the business.

#### b. Design Requirements

- I. All containers and barrels shall be fully screened on all sides by an enclosure. A solid metal gate shall be provided and is to be kept closed except when in use for access. Enclosure gates or doors shall not swing into a fire lane, drive aisle, or obstruct vehicular visibility at any time.
- II. Enclosures shall be constructed using masonry and a similar color as the exterior walls of the primary structure.
- III. Garbage/recycling containers shall meet the screening requirements defined in §206C, *Screening*.

**c. Enclosure Size Requirements**

All enclosures for commercial garbage/recycling containers shall comply with the size requirements in Table 2-8 below.

<b>Table 2-8: Minimum Non-Residential, Mixed-Use Residential, and Multi-Family Enclosure Size Requirements</b>		
<b>Container Type</b>	<b>Width (inside wall measurement)</b>	<b>Depth (inside wall measurement)</b>
<b>Single Container</b>	12 feet	14 feet
<b>Double Container</b>	25.5 feet	14 feet
<b>Single Compactor, Self-contained</b>	14 feet	34 feet
<b>Single Compactor, Stationary</b>	14 feet	40 feet
<b>Double Trash Compactor</b>	28 feet	40 feet

**6. Residential Adjacency for Refuse Container Enclosures**

Garbage/recycling container enclosures required for non-residential mixed-use residential, and multi-family residential uses shall not be located within 20 feet of an adjacent single-family residential use or zone, unless no alternative location is available, as determined by the Director of Planning.

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## E. Vehicle Parking and Loading

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### 1. Purpose

The purpose of this section is to establish the minimum parking and loading standards to ensure that the parking and loading of vehicles will not interfere with traffic flow or block roadways and/or fire lanes.

### 2. Applicability

Information required to demonstrate compliance with this section shall be shown on a Site Plan and Landscape Plan pursuant to the procedures outlined in §203E.1, *Site Plan*, and §203E.2, *Landscape Plan*.

#### a. New Development

The standards in this section shall apply when a new primary structure is constructed; or

#### b. Expansion or Enlargement

For any expansion or enlargement that results in a greater amount of floor area, number of dwelling units, seating capacity, or otherwise creates a need for an increase in the number of existing parking spaces required by Table 2-9: *Minimum Vehicle Parking and Stacking Requirements*, such parking spaces shall be provided on the basis of the expansion or enlargement.

#### c. Change in Use

Except as otherwise specified in §206E.3.c below regarding multiple tenants or occupants on a site, on-site parking shall be provided in compliance with the schedule described in Table 2-9: *Minimum Vehicle Parking and Stacking Requirements*, for any change in use that increases the minimum number of required vehicle parking spaces above those that currently exist on the site or on permitted off-site locations.

#### d. Change of Parking Area Requires Approval

At no time after initial approval of the parking area layout can changes be made to the location or number of provided spaces, unless approved through the Site Plan process, or through the processes described in §206E.4, *Parking Modifications and Reductions*.

#### e. MTC – McKinney Town Center Requirements

Refer to Appendix 2B: McKinney Town Center MTC of this Code for parking requirements specifically applicable to properties located in the MTC -- McKinney Town Center zoning district.

### 3. Parking Calculations

#### a. Generally

- I. All parking and requirements that are based on square footage shall be calculated based on gross floor area of the subject use, including patio area, unless otherwise specified.
- II. Parking spaces intended for storage of business vehicles, such as fleet vehicles, delivery vehicles, or vehicles on display associated with sales or rental shall not be included in the calculation of vehicle parking requirements unless otherwise stated.

#### b. Fractions of Calculated Parking Spaces

- I. When measurements of the number of required vehicle parking spaces result in a fractional number, any fraction of 0.5 or larger shall be rounded up to the next higher whole number.
- II. When calculating parking requirements for a combination of uses or a shared parking arrangement, individual fractional numbers are not subject to rounding. Only the cumulative total of the combined uses is subject to rounding.

#### c. Parking for Multiple Uses

Lots containing more than one use shall provide parking spaces equal to the sum of the requirements of the various uses computed separately or based on the shared parking calculations in Table 2-10: *Shared Parking*.

#### d. ADA Accessible Parking

ADA accessible parking spaces shall be provided according to State of Texas Program for the Elimination of Architectural Barriers and shall conform to the Americans with Disability Act (ADA) of 1991, as amended, accessibility guidelines (ANSI Standards).

**e. Unlisted Uses**

For uses not expressly listed in Table 2-9, the Director of Planning shall have the authority to make the following determinations, in conjunction with a Site Plan consideration:

- I. Apply the minimum on-site parking space requirement specified in Table 2-9 for the listed use that is deemed most similar to the proposed use; or
- II. Establish the minimum on-site parking space requirement by reference to standards in parking resources published by the National Parking Association, American Planning Association, Institute of Traffic Engineers (ITE) or other acceptable sources of parking data.

**f. Minimum Required On-Site Parking**

- I. Unless otherwise specified by this Ordinance, each development or land use listed in Table 2-26: *Table of Uses*, in the City of McKinney shall provide the minimum required on-site parking and stacking spaces in compliance with the schedule specified in Table 2-9: *Minimum Vehicle Parking and Stacking Requirements*. Where different requirements apply to one or more zoning districts, those requirements are noted after the general requirement.
- II. Under no circumstances shall a required parking space be used for any purpose other than parking except as otherwise permitted herein.
- III. No required parking or loading area shall be used for storage of inventory, materials, display, sanitation containers, supplies, or for any other use, except in the following circumstances:
  - a. Uses as described by the use-specific standards in §205C, Use Definitions and Use-Specific Standards; or
  - b. Use of the parking or loading area as approved through the Site Plan process described in §203E.1 or through the issuance of a temporary use permit.

**Table 2-9: Minimum Vehicle Parking and Stacking Requirements**

**Abbreviations: DU = dwelling unit**

**Sq. ft. = square feet**

*Note: All requirements refer to gross floor area, unless otherwise specified.*

Use	Use Definition	Parking Requirement
<b>Residential Uses</b>		
Single-family detached [1]	205D.1	4 spaces per DU, 2 of which must be enclosed and on-site. Up to 2 required spaces may be provided off-site within a common area owned and maintained by the HOA. Any off-site parking shall be located within 500 feet of the lot it serves.
Single-family attached [1]	205D.2	H overlay: 2 spaces per DU  NOTE: If a dwelling is constructed under a program for affordable housing sponsored by the City or sponsored by a non-profit corporation approved by the City, 2 parking spaces must be provided for each unit, including a minimum of 1 covered or enclosed space.
Small-lot single-family, attached	205D.3	1 space per DU
Small-lot single-family, detached	205D.4	
Duplex	205D.5	4 spaces per lot
Triplex	205D.6	1 space per DU; parking shall be accessed from a shared rear alley and covered. Enclosed parking may be provided in lieu of covered spaces
Quadplex	205D.7	1 space per DU; parking shall be accessed from a shared rear alley and covered. Enclosed parking may be provided in lieu of covered spaces.

**Table 2-9: Minimum Vehicle Parking and Stacking Requirements**

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<b>Use</b>	<b>Use Definition</b>	<b>Parking Requirement</b>
Manufactured home	205D.8	1 space per DU
Multi-family, cottage	205D.9	1 space per DU, of which, a minimum 30% of the spaces shall be covered; may be reduced to no less than 20% covered pursuant to §206.E.4.d. Enclosed parking may be provided in lieu of covered spaces.  Non-residential zoning districts: 1 space per DU, of which, a minimum 75% of the spaces shall be covered. Enclosed parking may be provided in lieu of covered spaces.
Multi-family, traditional	205D.10	1 space per DU, of which, a minimum 30% of the spaces shall be covered; may be reduced to no less than 20% covered pursuant to §206.E.4.d. Enclosed parking may be provided in lieu of covered spaces.  Non-residential zoning districts: 1 space per DU, of which, a minimum 75% of the spaces shall be covered. Enclosed parking may be provided in lieu of covered spaces.
Mixed-use residential	205D.11	Residential uses: 1 space per DU, of which, a minimum 75% of the spaces shall be covered. Enclosed parking may be provided in lieu of covered spaces.  Non-residential uses: Spaces as required by proposed land use
Independent Living	205D.12	1.5 spaces per DU
<b>Group Living</b>		
Assisted living facility	205E.1	1 space per 5 beds
Community care home	205E.2	4 spaces per home, 2 of which must be enclosed
Community care facility	205E.3	1 space per 5 beds
Community transition facility	205E.4	1 space per 5 beds
Crisis support home	205E.5	4 spaces per home, 2 of which must be enclosed
Crisis support facility	205E.6	1 space per 5 beds
Displacement shelter	205E.7	1 space per 10 beds
<b>Non-Residential Uses</b>		
Agricultural and ranching, private or wholesale	205F.1	None required
Agricultural and ranching, retail	205F.2	3 spaces per acre of lot area
Airport, heliport, landing field, and aircraft hangar	205F.3	None required
Airport terminal	205F.4	None required
Amenity center, neighborhood	205F.5	None required
Animal care and services, indoor only	205F.6	1 space per 500 sq. ft.
Animal care and services, outdoor area	205F.7	1 space per 500 sq. ft.
Animal care and services, outdoor boarding	205F.8	1 space per 500 sq. ft.

**Table 2-9: Minimum Vehicle Parking and Stacking Requirements**

**Abbreviations: DU = dwelling unit**

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Use	Use Definition	Parking Requirement
Arts or cultural center	205F.9	1 space per 300 sq. ft. If an auditorium is included as a part of the building, its floor area shall be deducted from the total, with parking for the auditorium provided at a rate of 1 space for each 4 seats.
Auto, motorcycle, truck, or boat, rental and sales	205F.10	1 space per 750 sq. ft.
Banks and financial services	205F.11	1 space per 500 sq. ft., plus 3 stacking spaces per drive-through teller or ATM station Speaker boxes shall be placed no closer than 20 feet from any residential zone or use Free-standing ATM stations are not required to provide parking or stacking spaces
Batch plant	205F.12	1 space per 1,000 sq. ft. up to 20,000 sq. ft. of lot area, plus 1 space for each 2,000 sq. ft. over 20,000 sq. ft.
Body art studio	205F.13	1 space per 500 sq. ft.
Car wash	205F.14	4 stacking spaces per automated wash tunnel, plus 1 space per 500 sq. ft. of indoor floor area (not including wash tunnel)
Cemetery	205F.15	None required
Civic club or fraternal organization	205F.16	1 space per 200 sq. ft.
Clinic, medical or dental	205F.17	1 space per 400 sq. ft.
College or university	205F.18	10 spaces per classroom, plus 1 space per 500 sq. ft. for buildings and facilities other than classrooms
Commercial entertainment, indoor	205F.19	1 space per 150 sq. ft. for uses not otherwise listed below  Bowling, miniature golf, axe-throwing or similar use: 2 spaces per lane or hole  Theaters, auditoriums, stadiums, gymnasiums, or similar uses: 1 space per 4 seats in assembly areas or 1 space per 8 linear feet of seating  Sports courts: 4 spaces per court
Commercial entertainment, outdoor	205F.20	Stadiums, outdoor theaters, or similar uses: 1 space per 4 seats in assembly areas or 1 space per 8 linear feet of seating  Playing fields: 40 spaces per field. If fixed seating is provided the ratio shall be 1 space per 4 seats or 1 space per 8 linear feet of seating  Golf course: 5 spaces per hole  Miniature golf or driving range: 3 spaces per hole; or 1.5 spaces per driving bay  Sports courts: 4 spaces per court; or if fixed seating is provided the ratio shall be 1 space per 4 seats or 1 space per 8 linear feet of seating
Commercial laundry	205F.21	1 space per 1,000 sq. ft. up to 20,000 sq. ft., plus 1 space for each 2,000 sq. ft. over 20,000 sq. ft.

**Table 2-9: Minimum Vehicle Parking and Stacking Requirements**

**Abbreviations: DU = dwelling unit**

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Use	Use Definition	Parking Requirement
Community garden	205F.22	None required
Contractor's yard	205F.23	1 space per 5,000 sq. ft. of lot area, with a minimum of 5 spaces required
Cottage industrial	205F.24	1 space per 4,000 sq. ft.
Country club	205F.25	1 space per 200 sq. ft.
Craft Consumables Establishment	205F.26	1 space per 300 sq. ft.
Data center	205F.28	1 space per 2,000 sq. ft.
Day care center	205F.29	3 spaces per classroom, plus 3 stacking spaces per drive-through/pick-up lane if provided
Dirt or topsoil extraction, sand or gravel mining, or storage	205F.30	1 space per 1,000 sq. ft. up to 20,000 sq. ft. of lot area plus 1 space for each 2,000 sq. ft. over 20,000 sq. ft. of lot area
Dispatch office	205F.31	1 space per 400 sq. ft.
Electric vehicle charging facility	205F.32	1 space per 250 sq. ft.
Fairgrounds or rodeo grounds	205F.33	1 space per 1,000 sq. ft. of lot area up to 20,000 sq. ft., plus 1 space for each 2,000 sq. ft. over 20,000 sq. ft.
Farmers' market, permanent	205F.34	1 space per 500 sq. ft. of market area
Food and beverage processing	205F.35	1 space per 1,000 sq. ft. up to 20,000 sq. ft. plus 1 space for each 2,000 sq. ft. over 20,000 sq. ft.
Fuel sales, passenger vehicles	205F.36	1 space per 250 sq. ft.
Fuel sales, trucks	205F.37	1 space per 250 sq. ft.
Funeral home or mortuary	205F.38	1 space per 250 sq. ft.
Government facilities (city, excluding airport uses)	205F.39	Spaces as required by most similar land use, unless otherwise approved by the City Council as part of a site plan.
Government or public facilities (non-city)	205F.40	1 space per 20,000 sq. ft. of lot area
Greenhouse or plant nursery	205F.41	1 space per 250 sq. ft.
Gun range, indoor	205F.42	2 spaces per firing lane; plus 1 space per 200 sq. ft. of retail, classroom, or office area
Gun range, outdoor	205F.43	2 spaces per firing lane; plus 1 space per 200 sq. ft. of retail, classroom, or office area
Gym or Fitness Studio	205F.44	1 space per 200 sq. ft.
Heavy machinery, rental, sales, and storage	205F.45	1 space per 2,000 sq. ft.
Hospital	205F.46	1 space per patient bed
Hotel or motel	205F.47	1 space per guestroom; plus 1 space per 200 sq. ft. of restaurant, retail, conference, or office area
Impound lot or yard	205F.47	1 space per 10,000 sq. ft. of lot area
Industrial Flex Center	902, Definitions	1 space per 1,000 sq. ft. up to 40,000 sq. ft., plus 1 space for each 2,000 sq. ft. over 40,000 sq. ft.
Junk or salvage yard	205F.49	1 space per 10,000 sq. ft. of lot area
Livestock auction	205F.50	1 space per 1,000 sq. ft.
Manufacturing, heavy	205F.51	1 space per 1,000 sq. ft. up to 20,000 sq. ft., plus 1 space for each 2,000 sq. ft. over 20,000 sq. ft.

**Table 2-9: Minimum Vehicle Parking and Stacking Requirements**

**Abbreviations: DU = dwelling unit**

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Use	Use Definition	Parking Requirement
Manufacturing, light	05F.51	1 space per 1,000 sq. ft. up to 20,000 sq. ft., plus 1 space for each 2,000 sq. ft. over 20,000 sq. ft.
Motor freight terminal	205F.52	1 space per 2,000 sq. ft. of lot area
Office showroom/warehouse	205F.53	1 space per 750 sq. ft.
Office	205F.54	1 space per 400 sq. ft.
Parking garage or lot, paid or private	205F.55	None required
Pawn shop	205F.56	1 space per 250 sq. ft.
Personal service	205F.57	1 space per 250 sq. ft.
Power plant or electrical generating station	205F.58	None required
Radio or TV broadcast station	205F.59	1 space per 400 sq. ft.
Railroad freight terminal	205F.60	1 space per 2,000 sq. ft.
Reception or event center, indoor	205F.61	1 space per 150 sq. ft.
Reception or event center, outdoor	205F.62	1 space per 150 sq. ft. of indoor space; plus 1 space per 10,000 sq. ft. outdoor event area
Recreation area, private	205F.63	None required
Recreational vehicles, rental and sales	205F.64	1 space per 500 sq. ft. of indoor sales/leasing area
Recycling facility	205F.65	1 space per 4,000 sq. ft.
Refining or storage of petroleum, natural gas, butane, propane	205F.66	1 space per 1,000 sq. ft. of lot area up to 20,000 sq. ft., plus 1 space for each 2,000 sq. ft. of lot area over 20,000 sq. ft.
Religious assembly	205F.67	1 space per 50 sq. ft. of gross floor area of the main sanctuary or auditorium
Restaurant, brew pub	205F.68	1 space per 150 sq. ft.
Restaurant, carry out	205F.69	1 space per 250 sq. ft.
Restaurant, dine-in	205F.70	1 space per 150 sq. ft.
Restaurant, drive-in or drive-through	205F.71	1 space per 150 sq. ft., plus a total of 6 stacking spaces starting from the point(s) where the order is placed and 3 stacking spaces for mobile order windows
Retail sales	205F.72	1 space per 250 sq. ft.
Sanitary landfill	205F.73	1 space per 400 sq. ft. of office area
School, business or trade	205F.74	1 space per 500 sq. ft. of office, workshop, and library area, plus 1 space per 200 sq. ft. of assembly areas and classrooms
School, public, private, or parochial	205F.75	Elementary, junior high, and middle schools: 2.5 spaces per classroom, plus 1 pick-up/drop-off lane with a minimum of 10 stacking spaces  High school: 8 spaces per classroom, plus 1 pick-up/drop-off lane with a minimum of 10 stacking spaces
Self-storage	205F.76	4 spaces required, plus a 12-foot wide loading zone in front of all access areas for each unit. Loading zone shall not conflict with required fire lanes. A single loading zone may accommodate units on both sides of fire lane.

**Table 2-9: Minimum Vehicle Parking and Stacking Requirements**

**Abbreviations: DU = dwelling unit**

**Sq. ft. = square feet**

*Note: All requirements refer to gross floor area, unless otherwise specified.*

<b>Use</b>	<b>Use Definition</b>	<b>Parking Requirement</b>
Shopping center	902, Definitions	1 space per 250 sq. ft. up to 50,000 sq. ft., plus 1 space per 350 sq. ft. over 50,000 sq. ft.
Solar farm	205F.77	None required
Stable, commercial	205F.78	1 space per 2 stalls
Stockyard or slaughterhouse	205F.79	1 space per 1,000 sq. ft. of lot area up to 20,000 sq. ft. plus 1 space for each 2,000 sq. ft. of lot area over 20,000 sq. ft.
Storage, automobile	205F.80	4 spaces for customers
Storage, boat, truck, or recreational vehicle	205F.81	4 spaces for customers
Traders' village	205F.82	1 space per 500 sq. ft. of market area
Transportation station	205F.83	None required
Truck stop	205F.84	1 space per 300 sq. ft. of site area
Utility substation	205F.85	None required
Vehicle repair, major	205F.86	1 space per 750 sq. ft., plus 3 stacking spaces if a service lane is provided, plus facilities shall have a designated on-site area for overnight storage of vehicles awaiting repair
Vehicle repair, minor	205F.87	1 space per 750 sq. ft., plus 3 stacking spaces if a service lane is provided. Facilities may provide a designated on-site area for overnight storage of vehicles awaiting repair
Warehouse	205F.88	1 space per 4,000 sq. ft.
Water or wastewater treatment Plant	205F.89	None required
<b>Accessory Uses</b>		
Accessory building, detached	205G.2.a	None required
Accessory dwelling unit	205G.2.b	1 space if at least 4 spaces are not already provided on-site; or H Overlay: 1 space if at least 3 spaces are not already provided on-site
Accessory structure	205G.2.c	None required
Caretaker's or watchman's quarters	205G.2.d	1 space
Drone delivery	205G.2.e	None required
Electric vehicle charging station	205G.2.f	None required
Helistop	205G.2.g	None required
Home occupation	205G.2.h	No additional spaces beyond those required for the dwelling
Outdoor storage	205G.2.i	None required
Swimming pool	205G.2.j	None required
<b>Temporary Uses</b>		
Batch plant (outdoor), temporary	205H.3.a	None required
Construction field office	205H.3.b	None required
Model home	205H.3.c	None required
Portable storage container	205H.3.d	None required

**Table 2-9: Minimum Vehicle Parking and Stacking Requirements**

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Use	Use Definition	Parking Requirement
Religious or philanthropic uses	205H.3.e	No additional spaces beyond those required for the primary use
Seasonal sales	205H.3.f	1 space per 500 sq. ft. of sales area
Warming station	205H.3.g	None required
<b>Special Uses</b>		
Bed & breakfast	205I.1	1 space per guest room in addition to the requirements for the residential use
Donation collection container	205I.2	None required
Food Trucks Courts	205I.3	1 space per 150 sq. ft. of dining area
Food Truck Operation Sites	205I.4	1 space per table provided. If no tables are provided, no off-street parking shall be required. Food truck parking may not also be used to satisfy the minimum parking requirements of another land use.
Oil and natural gas well drilling and operations	205I.5	1 space per 1,000 sq. ft. of lot area up to 20,000 sq. ft., plus 1 space for each 2,000 sq. ft. of lot area over 20,000 sq. ft.
Private club	205I.6	1 space per 150 sq. ft.
Sexually oriented business	205I.7	1 space per 250 sq. ft.
Telecommunications Structure, High, Low, or Stealth	205I.8	None required
Wind energy conversion system farm	205I.11	None required

[1] No parking or loading area required to satisfy the minimum parking or loading requirements shall be used for storage of inventory, materials, display, sanitation containers, supplies, or for any other use, except for uses as described by the use-specific standards in §205C, *Use Definitions and Use-Specific Standards*, or as approved through the Site Plan process described in §203E.1 or through the issuance of a temporary use permit. Under no circumstances shall a required parking space be used for any purpose other than parking except as otherwise permitted herein.

[2] ADA accessible parking spaces shall be provided according to State of Texas Program for the Elimination of Architectural Barriers and shall conform to the Americans with Disability Act (ADA) of 1991, as amended, accessibility guidelines (ANSI Standards).

**4. Parking Modifications and Reductions**

**a. Parking Reduction Limitations**

Except for a parking study reduction approved as part of the Design Exception process, if 1 of the parking reductions in this section is utilized, the overall parking reduction shall not exceed 10 percent of the sum of the total required parking for the development. If 2 or more of the parking reductions in this section are utilized, excluding shopping and industrial flex centers, the overall parking reduction shall not exceed 15 percent of the sum of the total required parking for the development.

**b. Shopping Centers and Industrial Flex Centers**

Developments that utilize the shopping center parking ratio or the industrial flex center parking ratio shall not be required to update parking based on changes in the use of tenant spaces over time. However, if these parking ratios are utilized for the development, use of additional parking reductions shall not be permitted.

**c. Shared Parking**

I. Under specific circumstances listed below, some off-street parking spaces may be shared between different uses and properties. The Director of Planning may approve a proposed shared parking arrangement during the Site Plan process for up to 50 percent of the parking spaces required, as

shown below in Table 2-10. This section does not apply to mixed-use residential or multi-family residential uses.

**Table 2-10: Shared Parking**

Option	Requirements
<b>Off-Peak Shared Parking</b>	Parking spaces may be shared if the peak business hours do not overlap for the businesses that propose to share. Businesses sharing parking shall be within 500 feet of one another.
<b>Surplus Shared Parking</b>	Parking spaces may be shared if they exceed a use's minimum parking requirements and are located on a property within 500 feet of the other use to share parking.
<b>Public Parking in the McKinney Town Center (MTC)</b>	Public off-street parking spaces and striped public on-street parking spaces may be used to satisfy up to 100 percent of the use's parking requirements so long as these public parking spaces are located within 200 feet of the use's property. In these cases, no shared parking agreement shall be required.

- II. For any shared parking arrangement or off-site parking arrangement described above, a written parking agreement ensuring retention of parking spaces for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form by the city attorney and shall be filed with the County as part of the Site Plan approval process. The agreement shall meet the following:
  - a. A permanent easement for shared or off-site parking facilities shall be dedicated and recorded as a condition of such use.
  - b. The City shall be made a party to any shared parking agreement necessary for meeting parking requirements.

**d. Multi-Family Residential Covered or Enclosed Parking Reduction**

- I. This section does not apply to mixed-use residential or multi-family residential uses in non-residential zoning districts.
- II. As part of the Site Plan approval process, covered or enclosed parking space requirement for multi-family residential uses may be reduced from 30 percent of the spaces being a covered or enclosed parking space to no less than 20 percent of the spaces being a covered or enclosed parking space, if the proposed project satisfies the following:
  - a. Provide trees at a ratio of one tree per 20 feet in the street and adjacency buffers; and
  - b. provide one additional amenity from the required amenity list.

**e. Tree Preservation Reduction**

The total required parking for a development may be reduced as shown in Table 2- if quality trees of the specified diameter are preserved when those trees otherwise could have been removed with no mitigation obligation.

**Table 2-40: Diameter of Preserved Tree(s)**

Tree Size (DBH) [1]	Parking Space Reduction
6 to 8 inches	2 parking spaces
9 to 15 inches	3 parking spaces
16 to 30 inches	4 parking spaces
31 to 41 inches	5 parking spaces

[1] DBH shall be rounded to the nearest whole number.

**f. Food Truck Court Parking Reduction**

The minimum number of required customer parking spaces for a food truck court or operation site may be reduced by the Planning and Zoning Commission as part of the Site Plan approval process should the commission find that the full provision of required parking may not be necessary.

**g. Parking Study Reduction**

A reduction in the number of required parking spaces or the required number of stacking spaces may be requested by submitting a parking study pursuant to §203G.1, *Design Exception*, and the following additional criteria:

- I. A reduction in the number of required spaces may be requested for the uses listed in Table 2-9, *Minimum Vehicle Parking and Stacking Requirements*. The following are not eligible for parking study reductions:
  - a. Shopping centers and industrial flex centers.
  - b. Triplex, quadplex, mixed-use residential and multi-family residential uses.
- II. The parking study shall be prepared by a licensed Professional Engineer.
- III. The Planning and Zoning Commission may approve a reduction in the number of required parking spaces, if it meets the following criteria is satisfied:
  - a. The parking study demonstrates that the proposed use is unique and therefore requires a modified parking or stacking standard;
  - b. The parking study demonstrates that the parking or stacking demand for the site is less than the requirement found in Table 2-9, *Minimum Vehicle Parking and Stacking Requirements*;
  - c. The parking study demonstrates that the proposed alternative will not exacerbate an existing deficiency in parking or stacking; and
  - d. The parking study demonstrates that the proposed alternative will not result in parking or stacking spillover into adjacent neighborhoods.
- IV. Developments that utilize a parking study to determine the on-site parking required shall not be eligible for any other parking reduction.

**5. On-Site Parking Design and Pavement**

All on-site parking facilities required by this section shall comply with the minimum requirements for parking and maneuvering space specified in this section, as well as the requirements specified in §206A.3, *Site Landscape Standards for All Uses*. Where on-street parking is allowed within the MTC, Planned Development zonings, or as approved by the Director of Planning, it shall meet the requirements of the Engineering Design Manual.

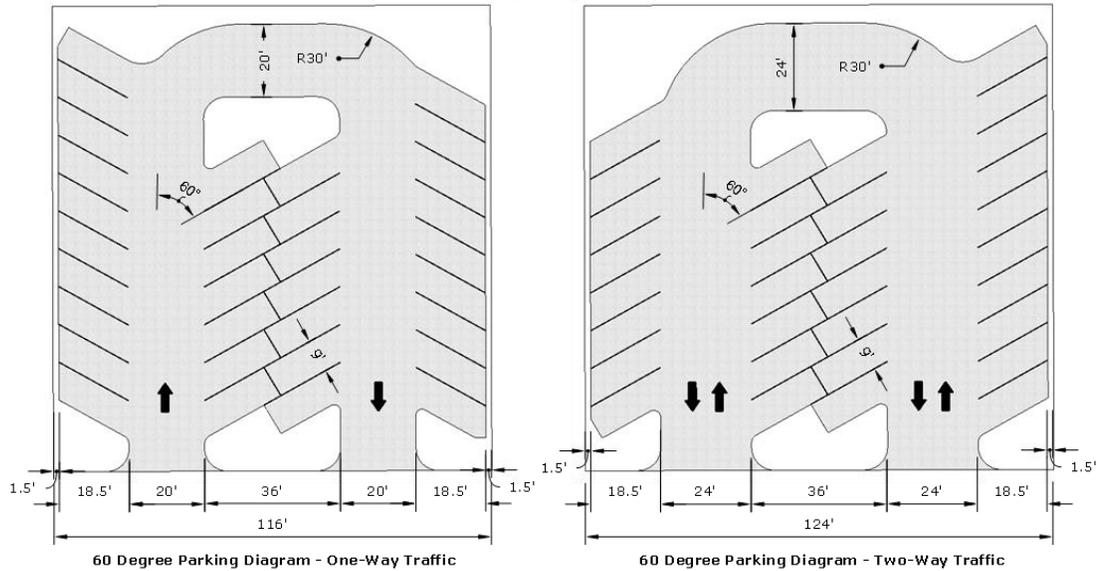
**a. On-Site Parking Dimensions and Markings**

- I. The minimum dimensions for on-site parking shall be provided as follows:
  - a. Standard space: 9 feet by 18 feet
  - b. Parallel space: 8 feet by 22 feet
  - c. Stacking space: 10 feet by 20 feet
- II. Any on-site angled parking, the parking shall be provided using the minimum standards illustrated in the following options:
  - a. 60-degree parking:

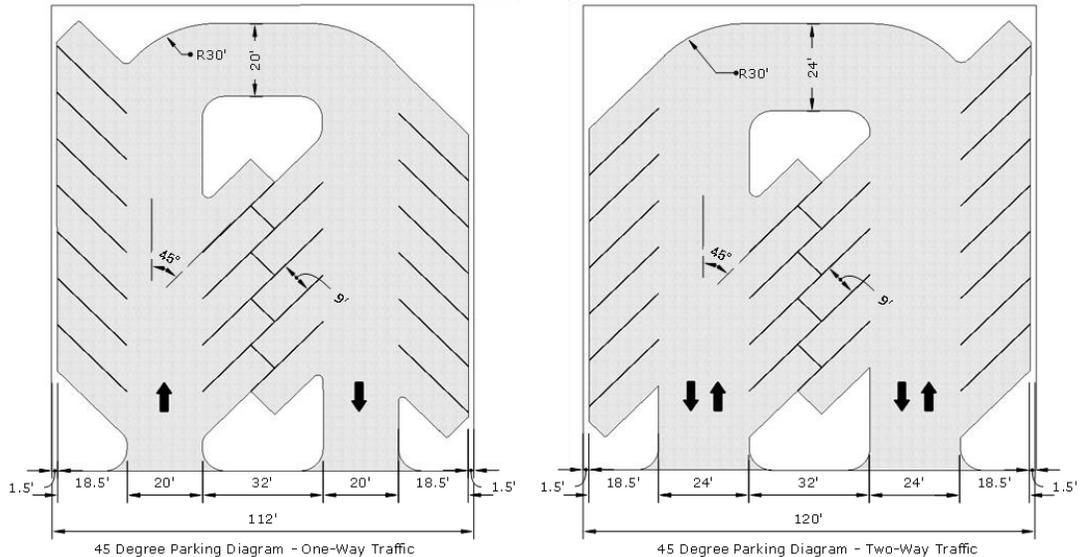
## Article 2: Zoning Regulations

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E Vehicle Parking and Loading



### b. 45-degree parking:



III. Parking spaces shall be clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods.

### b. Encroachments

- I. No encroachments shall be permitted into any required parking or stacking space, fire lane, drive aisle, or required landscape area. Encroachments include both horizontal and vertical obstructions and shall include wheel stops.
- II. If an encroachment into a required parking space is necessary, the required parking space shall be resized to ensure that minimum dimensions for on-site parking are provided.

### c. Drive Aisles

- I. Stacking spaces shall not overlap or conflict with drive aisles.
- II. The minimum dimensions for drive aisles shall be as follows:
  - a. Two-way drive aisles: 24 feet wide
  - b. One-way drive aisles with angled parking spaces: 20 feet wide

- c. One-way drive aisles or drive-through lane (when not provided in conjunction with parking spaces): 12 feet wide
  - d. **Fire Lanes**
    - I. Fire lanes (also known as fire apparatus access roads) shall be provided as required by the Fire Code.
    - II. Parking, queuing, stacking, and drive-through lanes shall not or otherwise conflict with fire lanes or emergency access.
  - e. **Residential Adjacency for Off-Street Parking**

Parking areas for non-residential, mixed-use residential, and multi-family residential shall not be located closer than 20 feet to an adjacent single-family residential use or zone.
  - f. **Electric Vehicle Charging Spaces**
    - I. The minimum width of electric vehicle parking spaces shall be 10 feet.
    - II. Charging cords shall be retractable or have a place to hang the connector and cord sufficiently above the pedestrian surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading areas.
    - III. An Electric Vehicle (EV) charging space may count towards required parking of any use other than an Electric Vehicle Charging Facility, if the EV spaces are not limited to a specific vehicle manufacturer.

## **6. Vehicle Maneuvering**

- a. Vehicular access and circulation for the proposed development shall extend internal public roadways, alleyways, and rights-of-way to the boundaries of the development site to ensure that:
  - I. There are at least two vehicular access points, as defined in the Engineering Design Manual and/or currently adopted Fire Code;
  - II. Emergency services have convenient and efficient access to the development, as approved by the Fire Marshal;
  - III. Vehicles providing other public services have convenient and efficient access to the development; and
  - IV. Upon future development of any abutting vacant parcels, there are connection points for extending the public roadways system.
- b. All maneuvering of vehicles shall take place on-site or within a mutual access easement. No public right-of-way shall be used for backing or maneuvering into or from a parking space, or for circulation within a parking lot, except as described in provision III. below as it relates to public alleys.
- c. When on-site parking facilities are located adjacent to a public alley, the width of said alley may be assumed to be a portion of the maneuvering space requirement. Additional pavement width may be required to satisfy the drive aisle width requirements for the parking facility.
- d. In the MTC – McKinney Town Center zoning district, the Director of Engineering and/or Fire Marshal shall be permitted to allow deviations to the maneuvering standards for on-site parking as needed on a case-by-case basis while ensuring adequate vehicle access, emergency access, sight visibility, and other related engineering design or life safety principles.
- e. For safety and firefighting purposes, cross-access between parking areas of adjacent non-residential parcels shall be provided as required by the Fire Marshal and/or the Director of Engineering.
- f. Vehicle maneuvering shall not occur within the minimum required throat length as specified in the Engineering Design Manual.
- g. Vehicle maneuvering areas shall be well defined by curbs or other approved methods.

## **7. Driveway and Parking Surfacing Material**

- a. **Residential Uses (Except Multi-Family Residential)**
  - I. Parking shall only be permitted on an improved, dust-free surface unless the non-dust-free parking surface was in place prior to December 15, 1981.

- II. Any time a new residential driveway is constructed, the pavement surface shall be as follows:

**Table 2-11: Residential Driveway and Surface Parking**

Adjacent Street Surface	New Driveway and Parking Surface
Concrete	Concrete
Surface other than concrete	Asphalt or concrete
NOTE: This table shall not apply to the AG and R43 zoning districts.	

- III. Any time a residential driveway is reconstructed or replaced, the pavement surface shall be as follows:

**Table 2-12: Reconstruction or Replacement of Residential Driveway and Parking Surface**

Existing Surface	New Surface
Dirt or gravel	Gravel, asphalt, or concrete
Asphalt	Asphalt or concrete
Concrete	Concrete

NOTE: If a dwelling unit is reconstructed or rehabilitated and construction of a new driveway would otherwise be required, lots platted prior to the effective date of Ordinance No. 1270 (December 15, 1981), shall not be required to construct a new driveway.

- IV. All existing paved parking surfaces shall be maintained in a serviceable condition. Deteriorated paving materials and surfaces shall be replaced or reconstructed using materials as described in Table 2-12 above.

**b. Non-Residential and Multi-Family Residential Uses**

- I. All required on-site parking, maneuvering, and loading areas shall be paved with concrete, unless otherwise specified herein. No parking shall be allowed on unpaved surfaces.
- II. Decomposed granite and pervious parking areas, including those comprised of loose aggregate materials, shall be permitted for trailheads at public parks and public parks which allow overnight camping. Other surface materials may also be approved through the Site Plan process for rural and agricultural uses, City parkland, and special loading/unloading operations such as storage or use of tracked equipment.

**8. On-Site Loading Minimum Requirements**

Any non-residential building or site which provides on-site loading spaces shall be subject to the minimum requirements of this section.

- a. Each loading space shall meet the following minimum size requirements:
  - I. Industrial or warehouse uses: 12 feet by 60 feet
  - II. Commercial and institutional uses: 12 feet by 35 feet
  - III. Minimum vertical clearance: 14 feet
- b. Access and maneuvering areas shall be provided on the same building lot as the principal use for which the loading space is intended, unless an access easement is provided on a recorded plat.
- c. Bays for auto or equipment servicing in non-industrial districts shall not be oriented toward any adjacent residential zones or uses, unless no other option is available.
- d. Loading docks and loading bays shall be:
  - I. Set back a minimum distance of 200 feet from any adjacent residential use or zoning district; and
  - II. Set back a minimum distance of 75 feet from any public street or front property line; and
  - III. Oriented away from any adjacent residential use or zoning district.

- e. Any loading spaces not associated with a loading dock or loading bay shall be set back a minimum distance of 50 feet from any adjacent residential use or zoning district. There shall be no minimum setback if the subject property abuts a non-residential use or lot line.
- f. In instances where a property has more than one street frontage, the bay doors shall be oriented away from the street frontage with the greatest width. If the streets are the same width, then the bay doors shall be oriented away from the property's front lot line.

**9. Design Exception**

Pursuant to §203G.1, *Design Exception*, the following vehicle parking and loading requirements may be eligible for a Design Exception:

- a. Residential Adjacency for Off-Street Parking. The Residential Adjacency distance for off-street parking may be reduced to no less than 10 feet in accordance with the approval criteria in §203G.1 and with the following additional criteria:
  - I. The reduction establishes a consistent adjacency buffer with adjacent developed properties, and
  - II. The reduction will create a unified landscape design along the property line.
- b. On-Site Loading Orientation. The orientation of loading docks and loading bays may be modified in accordance with §203G.1, *Design Exception*.
- c. On-Site Loading Distance. The minimum distance of loading docks and loading bays to the property line may be modified in accordance with §203G.1, *Design Exception*.

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## F. Architectural Standards

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### 1. Purpose

This section establishes minimum standards for the appearance of multi-family residential, attached single-family residential (townhome), and non-residential buildings and corresponding site elements which are recognized as enhancing property values and are in the interest of the general welfare of the City. These standards are not intended to prohibit architectural innovation, nor are they intended to mandate specific architectural styles and concepts.

### 2. Authority

The requirements of this section are enacted pursuant to the powers granted and limitations imposed by the laws of the State of Texas, including the statutory authority granted in Texas Government Code Chapter 3000 and all other relevant laws of the state.

### 3. Applicability

Information required to demonstrate compliance with this section shall be shown on a Façade Plan pursuant to the procedures outlined in §203E.3, *Facade Plan*. The provisions of this section shall only apply to properties within the city limits.

#### a. Plan and Permit Required

- I. The provisions of this section shall be shown on a façade plan as required, pursuant to the procedures outlined in §203E.1, *Site Plan*.
- II. The Façade Plan shall be approved prior to issuance of a building permit.

#### b. New Development and Significant Buildings

The standards in this section shall apply to all new development and Significantly Important Buildings in all zoning districts and for all uses within the Historically Significant Area (HSA) constructed after the effective date of this section.

#### c. Redevelopment

For the rehabilitation, maintenance, and expansion of existing buildings and Significantly Important Buildings located in all zoning districts, or for all uses within the Historically Significant Area (HSA), the proposed exterior colors and finishing materials shall be of equal or greater quality than the existing building.

#### d. Illustrations

The illustrations in this section are intended to serve as visual representations of how the associated standards could be satisfied and not how they must be satisfied. The development community is encouraged to seek out new and innovative ways to implement the standards contained in this section that will result in a significant positive contribution to the visual character of the area and the city as a whole.

#### e. Additional Standards

Additional allowances, modifications, or limitations to the Architectural Standards contained in this section may exist for properties located in the following zoning districts or zoning overlays;

- I. MTC -- McKinney Town Center, see Appendix 2B: McKinney Town Center MTC of this Code;
- II. H – Historic Overlay District, see §204Z.
- III. HC – Highway Commercial Overlay District, see §204AA; and
- IV. REC – Regional Employment Center Overlay District, see Appendix 2C: Regional Employment Center (REC).

#### f. Exemptions

This section shall not apply to the following:

- I. Portable or temporary buildings for non-profit places of worship or private schools that are screened from the view of adjacent properties and public rights-of-way via a building and/or a minimum 6-foot-tall opaque screening device with canopy trees planted every 30 linear feet of visible exposure.
- II. Portable buildings or temporary buildings for public schools.
- III. Temporary uses defined under §205H.3.
- IV. Buildings located within the Airport (AP) zoning district.
- V. Buildings for which a Site Plan for the project was approved prior to the effective date of this section, provided:
  - a. The Site Plan has not expired;
  - b. A building permit has been issued; and
  - c. Construction is underway prior to the expiration of two years from the effective date of the ordinance from which this section is derived.

#### 4. Standards for Residential Development

##### a. Multi-Family Residential Development

###### I. Roof Treatment

- a. A pitched roof of any style, including hipped, gabled, or shed roofs shall be acceptable. The roof must cover 100 percent of the total roof area, excluding porches and porte-cocheres. No flat roof line shall be visible from public view.
- b. A parapet wall shall be acceptable if constructed so that no flat roof shall be visible from public view.
- c. Standing seam metal roofs, which meet all the criteria of this section shall be acceptable.
- d. No more than one color shall be used for visible roof surfaces, however, if more than one type of roofing material is used, the materials shall be varying hues of the same color.

###### II. Exterior Finishing Materials

- a. All building elevations shall be finished with at least 50 percent masonry. Acceptable masonry finishing materials are brick, stone and/or synthetic stone materials including slate, flagstone, granite, limestone, and marble. The area of exterior finish shall be calculated exclusive of doors and windows.
- b. The balance of any exterior finishing materials shall be masonry, stucco, EIFS, architecturally finished concrete masonry units (CMU), lap siding (excluding vinyl siding), and/or glass curtain wall systems. Sheet siding fabricated to look like wood lap siding is prohibited. Architecturally finished metal materials, not including corrugated metal, shall be allowed on no more than 20 percent of each elevation. Architectural wood accents shall be allowed on no more than 10 percent of each elevation.

###### III. Exterior Color

- a. One hundred percent of total exterior building surfaces (exclusive of glass) shall be neutrals, creams, pastels, or deep, rich, non-reflective natural or earth-tone colors (including approved finishing materials).
- b. No more than 6 colors shall be used; however, natural, unaltered materials such as brick or stone used on the building shall not be counted toward the maximum number of colors allowed.

###### IV. Building Massing

- a. Each wall plane shall be segmented into horizontal lengths of 30 feet or less by a structural or ornamental minor facade offset (recess or projection) that is a minimum five feet deep and ten feet wide.

- b. The height of such offsets shall be equal to the building's height at the location of the offset.
- c. Exterior stairways shall be covered with a roof, roof overhang, or porch and shall be incorporated into the architectural design of the building rather than appearing as an appendage to the building.

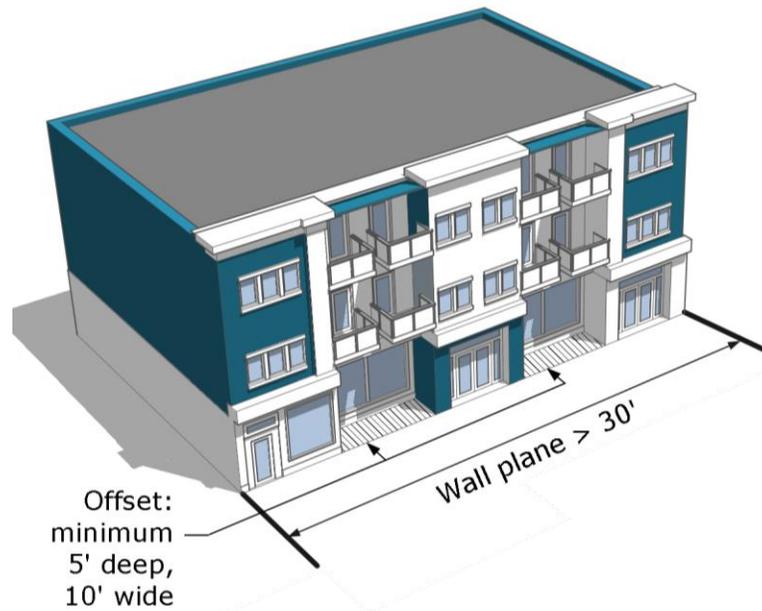


Figure 2-18: Multi-Family Building Massing

**V. Building Enhancements**

All buildings or developments shall be required to provide at least four of the following elements:

- a. All exterior building elevations shall be finished with 100 percent masonry. Elevations within internal courtyards and/or elevations that are not visible from adjacent rights-of-way or properties zoned or used for residential purposes shall not be required to satisfy this requirement;
- b. All building elevations that are visible from the right-of-way or property zoned or used for residential purposes shall contain two types of complementary masonry finishing materials, and each of the materials is used on at least 25 percent of the elevation;
- c. A minimum of 15 percent of each elevation of any building which is visible from the right-of-way or property zoned or used for residential purposes shall feature patterned brickwork (not including running bond or stacked pattern);
- d. At least one dormer is provided for each roof plane over 1,000 square feet in area that faces a public street. The dormer must be appropriately scaled for the roof plane and shall not be wider than the windows on the building elevation below;
- e. All chimneys are finished on all sides with 100 percent masonry finishing materials;
- f. All windows feature shutters. The shutters provided must be operational or appear operational and must be in scale with the corresponding window;
- g. All windows are emphasized through the use of molding around the windows, plant ledges, sills, shaped frames, awnings, or another similarly related architectural element;

- h. Downspouts associated with gutters are internally incorporated into the building's construction rather than attached to the building after construction of the façade is complete; and/or
- i. Another building enhancement as approved by the Director of Planning as part of the Façade Plan approval process that is comparable to the significance of the other elements listed herein may count as two of the required elements.

**b. Single-Family Attached Residential Development**

**I. Exterior Finishing Materials:**

- a. The exterior finish on each elevation of every townhome unit shall be a minimum of 85 percent brick, stone, or synthetic stone materials. The balance of any exterior finishing materials shall be masonry, stucco, EIFS, architecturally finished concrete masonry units (CMU), lap siding (excluding vinyl siding), and/or glass curtain wall systems.
- b. Sheet siding fabricated to look like wood lap siding is prohibited.
- c. Architecturally finished metal materials, which does not include corrugated metal, shall be allowed on no more than 20 percent of each elevation.
- d. Architectural wood accents shall be allowed on no more than 10 percent of each elevation.
- e. The area of exterior finish shall be calculated exclusive of doors and windows.

**5. Standards for Non-Residential Development**

**a. Industrial Uses in Industrial Districts**

**I. Exterior Finishing Materials**

- a. One hundred percent of each building elevation facing a public right-of-way shall be finished with brick, stone, synthetic stone, stucco, EIFS, architecturally finished CMU, or architecturally finished concrete tilt-wall.
- b. Other exterior walls may be finished with metal or any other building material that is allowed by the International Building Code.
- c. The exterior wall area shall be calculated exclusive of doors and windows.

**b. Non-Industrial Uses in Industrial Districts**

Buildings shall conform to the provisions of §206F.5.d, *Other Non-Residential Uses in Non-Industrial Districts*, described below.

**c. Uses in the Airport District**

- I. A minimum of 80 percent of all building elevations shall be finished with complementary neutral, cream, or deep, rich, non-reflective earth tone colors.
- II. No more than 20 percent of any building elevation may be finished with bright, pure tone primary or secondary colors. These colors shall be limited to use on accent features including, but not limited to, window and door frames, moldings, cornices, canopies, and awnings.

**d. Other Non-Residential Uses in Non-Industrial Districts**

**I. Exterior Finishing Materials**

- a. All elevations for buildings that are 3 stories or less in height shall be finished with at least 50 percent masonry finishing materials. All elevations for buildings that are taller than 3 stories in height shall feature a minimum of 25 percent masonry finishing materials.
- b. Acceptable exterior finishing materials for the remainder of the building include:

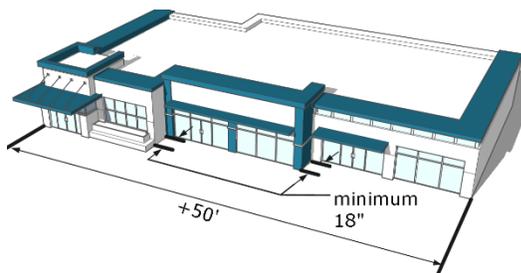
- i. Masonry (brick, stone, synthetic stone which includes, but is not limited to, limestone, granite, and slate);
  - ii. Stucco;
  - iii. EIFS;
  - iv. Architecturally finished CMU;
  - v. Glass curtain wall systems;
  - vi. Architecturally finished metal panels (does not include corrugated metal);
  - vii. Lap siding (lap siding may include but not be limited to, wood or cementitious fiber lap siding, but does not include vinyl lap siding or sheet siding fabricated to look like wood lap siding; such sheet siding is prohibited);
  - viii. Architectural wood accents that are not to exceed more than 20 percent of any elevation; and
  - ix. Another material that is visually and physically indistinguishable from one of the aforementioned exterior finishing materials, subject to review and approval by the Director of Planning.
- c. Percentages shall be calculated excluding doors, windows, and trim.

**II. Exterior Colors**

- a. A minimum of 80 percent of all building elevations shall be finished with complementary neutral, cream, or deep, rich, non-reflective earth tone colors.
- b. No more than 20 percent of any building elevation may be finished with bright, pure tone primary or secondary colors. These colors shall be limited to use on accent features including, but not limited to, window and door frames, moldings, cornices, canopies, and awnings.
- c. These percentages may be modified by up to 10 percent by the Director of Planning in special cases, if the building's elevations maintain sufficient visual continuity.

**III. Building Massing**

- a. All buildings shall utilize façade offsets and appropriate fenestration to add architectural variation and visual interest to an elevation and to break up long uninterrupted walls or elevations. See Figure 2-19.



**Figure 2-19: Non-Residential Building Massing**

- b. At a minimum, elevations that are 50 feet or longer in horizontal length shall be interrupted by at least two offsets (projection or recess) from the primary facade plane of at least 18 inches in depth. This requirement may be suspended or reduced in limited cases by the Director of Planning if a proposed building features have sufficient architectural interest and composition to make this requirement unnecessary.



**Figure 2-20: Examples of Appropriate Building Massing**

**IV. Windows**

- a. Windows shall be utilized and scaled appropriately to remain proportionate to the wall plane within which they are located.
- b. Mirrored glass shall be prohibited.

**V. Roof Treatment**

- a. Long uninterrupted roof lines and planes that are visible from the public right-of-way or are oriented to properties zoned or used for residential purposes shall be broken into smaller segments using appropriately scaled gables and/or dormers, changes in height, changes in roof form, type or planes which typically correspond to offsets in the building's facade, or other appropriate architectural elements. This requirement may be suspended or reduced in limited cases by the Director of Planning if a proposed building features have sufficient architectural interest and composition to make this requirement unnecessary. See Figure 2-21.
- b. Parapet roof lines shall feature a well-defined cornice treatment or another similar architectural element to visually cap each building elevation.



Figure 2-21: Examples of Appropriate Roof Treatments

**VI. Additional Requirements**

- a. Buildings constructed on a pad site within a larger shopping center or non-residential development shall be designed to be architecturally consistent with the other buildings within the development.
- b. Additions to existing buildings shall be designed to match the architectural design features and finishing materials of the existing building to the extent possible.
- c. The primary entrance for all buildings shall feature a protected entry using a recessed entry, porte-cochere, awning, canopy, or similar architectural feature that serves the same purpose. The covering shall be no smaller than 3 feet in depth when measured from the face of the

adjoining facade. Awnings shall be properly maintained by the building owner over time and shall be replaced if they became faded, tattered or otherwise visibly worn. See Figure 2-22.

- d. All building elevations that are visible from the public right-of-way or are oriented to properties zoned or used for residential purposes shall share the same architectural features and design as the front building elevation.
- e. All buildings and/or their corresponding sites shall provide at least one of the following:



**Figure 2-22: Examples of Appropriate Entry Treatment**

- i. The building achieves a LEED certification or other green building certifications as approved by the Director of Planning.
- ii. All building elevations feature 100 percent masonry finishing materials.
- iii. All building elevations that are visible from the public right-of-way or are oriented to properties zoned or used for residential purposes feature at least 3 types of complementary masonry finishing materials.
- iv. All building elevations that are visible from a public right-of-way or are oriented toward properties zoned or used for residential purposes shall feature at least 2 facade offsets (recess or projection) of at least 5 feet in depth for every 50 feet of horizontal length.
- v. All building elevations that are visible from the public right-of-way or are oriented toward properties zoned or used for residential purposes feature at least 3 distinct roof lines.

- vi. All primary and secondary building entrances, excluding emergency exits and service doors, feature a recessed entry, canopy, awning, or similar sheltering feature of at least 50 square feet.
- vii. At least 75 percent of the building's required off-street parking is provided within a structured parking facility.
- viii. The building is designed with a strong base, distinctive middle section, and a well-defined cornice feature (tripartite building composition) to create a visual sense of organization. See Figure 2-23.
- ix. The building features at least 3 distinctly different significant architectural design concepts that are not already mandated by these requirements which add to the visual interest of the building, subject to review and approval by the Director of Planning.



Figure 2-23: Examples of Tripartite Design

## 6. Parking Facilities

Structured and detached parking facilities shall have architecturally finished facades and shall be architecturally consistent with the surrounding buildings, as determined by the Director of Planning.

**7. Design Exception**

The requirements of this section may be modified or waived pursuant to §203G.1, *Design Exception*.

## G. Multi-Family and Mixed-Use Residential Site Design

### 1. Purpose

This section establishes minimum standards for site elements that are recognized as enhancing property values and that are in the interest of the general welfare of the City.

### 2. Applicability

The standards in this section shall apply to all residential development in multi-family and mixed-use residential uses within the City, unless the property is located within the MTC – McKinney Town Center, in which case it shall be exempt from these requirements.

### 3. Plan and Permit Required

- a. The provisions of this section shall be shown on a Site Plan pursuant to the procedures outlined in §203E.1, *Site Plan*.
- b. The Site Plan shall be approved prior to issuance of a building permit.

### 4. Amenities

Amenities conforming to the regulations in this section shall be provided in all new mixed-use residential and multi-family development.

#### a. Number of Required Amenities

The number of required amenities shall be based on the number of units within the development as set forth in Table 2-13 below:

**Table 2-13: Required Amenities for Mixed-Use Residential and Multi-Family Development**

Number of Dwelling Units	Amenities Required	Additional Outdoor Amenities Required [1]
< 20	1	2
20-99	2	3
100-179	3	4
180-259	4	5
260-519	5	6
520-999	7	7
1000+	10	8

[1] The number of additional outdoor amenities are required for mixed-use residential and multi-family residential uses developed in non-residential districts. These required amenities are in addition to the required amenity amount.

#### b. Acceptable Amenities

Table 2-14 lists acceptable indoor, outdoor and other amenities for purposes of meeting the minimum requirements of this section. Providing two or more of the same amenity shall not count as multiple required amenities unless specifically stated.

**Table 2-14: Acceptable Amenities**

Type of Amenity	Minimum Size/Capacity	Other Requirements/Notes
<b>Indoor Amenities</b>		
Fitness center and/or weight room	500 sq. ft.	
Indoor jogging trail	1/8 mile minimum	
Library and/or business center	500 sq. ft.	
Movie theater room	Seating for minimum 20 people	

**Table 2-14: Acceptable Amenities**

Type of Amenity	Minimum Size/Capacity	Other Requirements/Notes
Storage (for residents)	1 enclosed storage space for a minimum of 25 percent of the number of dwelling units in the community	<ul style="list-style-type: none"> <li>At least one enclosed 5-foot by 5-foot storage space shall be provided for a minimum of one quarter of the dwelling units within the community.</li> </ul> The provided storage units may be available for rent by any dwelling unit and need not be reserved for any specific unit within the community.
<b>Outdoor Amenities</b>		
Barbecue grills with shaded seating area	4 grills; seating for 16 people	
Dog park	4,000 sq. ft.	<ul style="list-style-type: none"> <li>Shall be enclosed by a minimum 5-foot-tall fence and shall meet the fence standards provided in section 704.</li> <li>No side of the enclosure shall be shorter than 50 feet in length.</li> <li>One dog waste station which shall include a bag dispenser and waste receptacle to be installed along the perimeter of the enclosure for every 2,500 square feet of the associated dog park.</li> </ul> One 25 square foot animal washing bay (with associated plumbing) shall be provided in conjunction with the dog park.
Electric vehicle charging stations	3 spaces	Charging stations for at least 3 electric vehicles shall be provided in a centralized location on-site for residents.
Enhanced adjacency buffer	30-foot adjacency buffer	<ul style="list-style-type: none"> <li>Shall qualify as 2 required amenities.</li> <li>An additional 30-foot shall be added to the required adjacency buffer and shall be provided on the property lines adjacent to single-family residential uses or zones.</li> <li>A minimum six-foot wide, walking trail is provided within the proposed buffer</li> </ul>
Fireplace with seating area	Minimum 250 sq. ft.; seating for 4 people	
Gazebo(s), arbor(s), and/or shade structure(s)	Covering at least 2,000 sq. ft. of programmed recreation space	
Guest parking	0.75 parking spaces per unit	<ul style="list-style-type: none"> <li>Shall qualify as 2 required amenities.</li> <li>Additional parking spaces at a rate of 0.75 spaces per dwelling unit shall be provided.</li> <li>These spaces are not required to be covered or enclosed.</li> <li>All proposed guest parking shall be accessible to the public.</li> </ul>
Jacuzzi, hot tub, or sauna area	Minimum 8-person capacity	
Open space, centralized internal	One acre with no side being less than 50 feet in length	<ul style="list-style-type: none"> <li>Shall qualify as 2 required amenities.</li> <li>The shape of the centralized internal open space shall be rectangular insofar as practicable.</li> <li>A 5-foot-wide handicap accessible concrete sidewalk shall be provided adjacent to the entire perimeter of the open space.</li> <li>One seating area which is a minimum of 6 feet long shall be provided along each side of the open space.</li> <li>One canopy tree shall be planted every 30 linear feet adjacent to the perimeter of the open space.</li> <li>The centralized internal open space shall be completely covered with grass, unless otherwise specified herein, and</li> </ul>

**Table 2-14: Acceptable Amenities**

Type of Amenity	Minimum Size/Capacity	Other Requirements/Notes
		<ul style="list-style-type: none"> <li>shall be provided with an automatic underground irrigation system as specified in §206A.3.a.VIII.</li> <li>Other amenities as required herein shall not be located within the centralized internal open space.</li> <li>The centralized open space shall be free of any drainage facilities and/or related easements, floodplain, erosion hazard setbacks, or other related facilities.</li> </ul>
Outdoor amphitheater	Seating for minimum 20 people	<ul style="list-style-type: none"> <li>If individual seats are not provided, then 150 linear feet of seating shall be provided.</li> </ul>
Outdoor jogging trail	1/4 mile minimum for outdoor	<ul style="list-style-type: none"> <li>Shall be a minimum of 5 feet with demarcated lanes and constructed of a dust-free surface.</li> <li>An indoor jogging trail shall qualify as two amenities.</li> </ul>
Playing court (volleyball, basketball, tennis, or similar)	Regulation-size	<ul style="list-style-type: none"> <li>Each court shall count as an amenity up to a limit of two.</li> </ul>
Playground	4,000 sq. ft.	
Splash pad	1,000 sq. ft.	
Swimming pool	1,000 sq. ft. surface area	<ul style="list-style-type: none"> <li>Cooling deck required; minimum 10 ft wide in all areas. Counts as one amenity.</li> </ul>
Swimming pool, centralized	3,000 sq. ft. surface area	<ul style="list-style-type: none"> <li>Cooling deck required; minimum 20 ft wide in all areas. Counts as 2 amenities.</li> </ul>
Swimming pool, centralized	5,000 sq. ft. surface area	<ul style="list-style-type: none"> <li>Cooling deck required; minimum 20 ft wide in all areas. Counts as 3 amenities.</li> </ul>
<b>Other Amenities</b>		
Other indoor or outdoor amenity		<ul style="list-style-type: none"> <li>As approved by the Planning and Zoning Commission as part of the Site Plan approval process.</li> </ul>

**5. Site Enhancements**

At least one of the following shall be provided for all residential developments in multi-family districts and at least two of the following shall be provided for all mixed-use residential and multi-family residential developments in non-residential zoning districts:

- a. A landscaped median which separates entering and exiting traffic at all entrances. The median shall meet the following standards:
  - I. The landscaped median shall be enclosed by a minimum 6-inch-tall vertical curb and shall be at least 8 feet wide and at least 50 feet long (measured from back of curb to back of curb). The median and its plantings shall not interfere with necessary sight visibility lines.
  - II. At least 1 canopy tree shall be provided for every 50 linear feet of median.
  - III. At least 2 ornamental trees shall be provided for every 50 linear feet of median.
  - IV. The required median shall be completely covered with living plant materials and shall be provided with an automatic underground irrigation system as specified in §206A.3.a.VIII, *Site Landscape Standards*.
  - V. The Director of Engineering and/or Fire Marshal may allow deviations to these standards on a case-by-case basis to facilitate proper vehicular access, emergency access, sight visibility, and other related engineering design or life safety principles.
- b. Each unit is provided a private balcony or porch that is at least 50 square feet in area. Balconies shall be designed so that visual and auditory intrusions on private outdoor space of other units or adjacent developments are minimized;

- c. A structured parking garage (at least two levels) is provided and wrapped with or screened from the view of right-of-way by the multi-family residential building(s) it serves; or
- d. Each ground-floor residential unit shall have an exterior oriented entrance that fronts onto:
  - I. A public right-of-way;
  - II. A major internal drive aisle designed to function as a public right-of-way or boulevard;
  - III. A centralized internal open space, if provided as part of the required amenities; or
  - IV. Another similar community gathering space (excluding units that front onto parking fields, multi-level structured parking facilities, minor drive aisles, or other similar vehicular use areas).
- e. As part of the Site Plan approval process, the Planning and Zoning Commission may approve alternative major site enhancement(s) that are comparable to the significance of the other elements listed above in provisions a. through d. of this subsection.

**6. Design Standards**

The following standards shall apply to all mixed-use residential and multi-family residential uses developed in non-residential zoning districts.

**a. Dimensional Standards**

**Table 2-15: Non-Residential Zoning Districts**

Zoning District	§ reference	Lot Standards			Building Setbacks				Min. Height [4]	Max. Height [1]	Max. Density
		Lot Area (sq ft)	Lot Width (ft)	Lot Depth (ft)	Front (ft)[2]	Rear (ft)	Side Interior (ft)	Residential Adjacency [3]	Building Height (stories)	Building Height (ft)	Density (du/acre)
<b>C1</b>	204N	0	0	0	20	0	0	25	2 stories	45	36
<b>C2</b>	204O	0	0	0	20	0	0	25	2 stories	45	36
<b>C3</b>	204P	0	0	0	20	0	0	25	4 stories	55	36
<b>O1</b>	204Q	0	0	0	20	0	0	25	2 stories	45	36
<b>O2</b>	204R	0	0	0	20	0	0	25	5 stories	75	36

[1] See §204EE, *Height Measurements and Exceptions*.

[2] Parcels with multiple street frontages must meet front setbacks on all street-facing frontages.

[3] When a mixed-use residential or multi-family residential use shares a property line(s) with a single-family residential use or zone, a residential adjacency building setback of 25 feet shall apply along the shared property line(s).

[4] Shall not apply to accessory buildings or structures.

**b. Building Massing and Site Design**

- I. In C1 – Neighborhood Commercial and O1 - Office zoning districts, buildings shall not exceed 200 feet in length.
- II. All residential units shall be accessed through corridors internal to the building unless 206G.5.d is selected as a site enhancement above.
- III. Balconies are prohibited on building facades facing properties used or zoned for single-family residential. The following exceptions shall be allowed:
  - a. Multi-family, cottage uses that are not taller than 2 stories.
  - b. Facades that are over 500 feet away from single-family residential uses or zoning districts.
- IV. Ground floor shall be a minimum of 14 feet and shall be constructed to commercial ready standards.
- V. For multi-family, traditional or mixed-use residential uses, each wall plane shall be segmented into horizontal lengths of 30 feet or less by a facade offset (recess or projection) that is a minimum five feet deep and ten feet wide. The height of such offsets shall be equal to the building's height at the location of the offset. For facades 150 feet or greater, the horizontal lengths may be 50 feet or less.
- VI. Parking shall be located internally within clusters of buildings, except for guest parking provided as an amenity.

## **Article 2: Zoning Regulations**

**206 Development Standards**

G Multi-Family and Mixed-Use Residential Site Design

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## H. Communication Antennas, Support Structures, and Satellite Dishes

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### 1. Purpose

The purpose of this section is to regulate the installation of communications antennas, satellite dishes and support structures in order to:

- a. Encourage joint use of (collocation) of new and existing structures;
- b. Minimize the total number of structures throughout the community;
- c. Encourage the use of stealth structures;
- d. Protect the character and integrity of McKinney neighborhoods and districts, including the historic district; and
- e. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

### 2. Applicability

Information required to demonstrate compliance with this section shall be shown on a Site Plan and Landscape Plan pursuant to the procedures outlined in §203E.1, *Site Plan*, and §203E.2, *Landscape Plan*.

#### a. Exceptions

- I. Small cell node support poles, transport facilities, and network nodes, as they are defined by [Chapter 90, Article V](#) of the McKinney Code of Ordinances and TLGC Ch. 284, within the rights-of-way in the City shall not be subject to this section but shall be subject to the provisions of [Chapter 90, Article V](#) of the McKinney Code of Ordinances.
- II. Regulations contained herein shall not apply to the extent that they have been preempted by specific regulations of the FCC to the contrary.

### 3. Site Standards for All Commercial Antennas and Antenna Support Structures/Towers

#### a. Collocation Required

- I. Collocation of antennas on telecommunication structures shall be required. No new antennas or telecommunication structures shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the city that the service provider is experiencing a significant gap in service for which no existing telecommunication structure can accommodate the applicant's proposed antennae. Evidence submitted to demonstrate the factors shall consist of a propagation map and corresponding data that identifies the following:
  - a. That a large number of the service provider's subscribers are unable to connect or maintain a connection to the national telephone network through applicant's wireless telecommunications network;
  - b. That no existing telecommunication structures, including elevated storage tanks, are located within the geographic service area which meet the applicant's engineering requirements;
  - c. That existing telecommunication structures are not of sufficient height or structural strength to meet the applicant's engineering requirements; and
  - d. That there are other limiting factors that render existing telecommunication structures unsuitable.
- II. A "dead spot" or small area within a service area where the field strength is lower than the minimum level for reliable service, does not constitute a significant gap in service.

**b. Minimum Distance Between Structures Required**

- I. When new telecommunication structures are proposed, the following separation between structures must be maintained:

	Antenna and/or Antenna Support Structure, High Rise	Antenna and/or Antenna Support Structure, Low Rise	Stealth
Antenna and/or Antenna Support Structure, High Rise	1,500 ft	750 ft	n/a
Antenna and/or Antenna Support Structure, Low Rise	750 ft	750 ft	n/a
Stealth	n/a	n/a	n/a

- II. Separation distances may be reduced with the approval of a Specific Use Permit, in accordance with §203C.3.

**c. Design Standards for All Commercial Antennas and Telecommunication Structures**

- I. Telecommunication structures (high-rise and low-rise) shall be of a monopole design with all associated antennae fully encased within the structure.
- II. Unless otherwise permitted herein, all commercial signs, lights, and attachments shall be prohibited on any antennae or telecommunication structure, unless required for communications operations, structural stability, or as required for flight visibility by the FCC and the Federal Aviation Administration (FAA).
- III. Any proposed telecommunications structure shall be designed in all respects to accommodate both the applicant's antennae and comparable antennae as follows:

Height of Proposed Tower/Structure	Additional User Accommodation Required
40' to 100'	2
Greater than 100'	3

- IV. Telecommunication structures must be designed to allow for future rearrangements of antennae upon the tower and to accept antennas mounted at varying heights.
- V. A minimum 6-ft tall masonry screening wall with Low Evergreen Shrubs shall be provided around all associated ground equipment and/or materials. The maximum height of the masonry screening wall shall not exceed the maximum allowable screening device height of the governing zoning district.

**d. Heights and Setbacks**

- I. Notwithstanding any height restrictions and exceptions within this section, antenna and telecommunication structures (low-rise and high-rise):
  - a. shall not exceed 125' if located in a non-residential district;
  - b. shall not exceed a height of 175' if located in an industrial district; and
  - c. shall not exceed height limitations imposed by virtue of aircraft approach and turning zone height restrictions.

- II. Telecommunication structures (low-rise and high-rise) shall be setback from all property lines a distance equal to the height of the telecommunication structure. This setback may be reduced with the approval of a Specific Use Permit.

**4. Satellite dishes, parabolic antennas, and other similar antennas.**

Satellite dishes, parabolic antennas, and other similar antennas shall also comply with the following:

- a. In residential districts, the following regulations shall apply:
  - I. All (any size) satellite dishes, parabolic antennas, and other similar antennas shall be prohibited within the front yard and side yard at corner setback areas.
  - II. Satellite dishes, parabolic antennas, and other similar antennas greater than three feet shall not exceed 12 feet in diameter, shall be allowed only in the rear half of a lot, shall observe accessory building setbacks, and shall be required to receive a permit from the chief building official.
  - III. Satellite dishes shall be permitted on the roof of a building, provided they do not exceed three feet in diameter and do not extend more than ten feet above the roof of the building, except satellite dishes shall be prohibited upon roofs of residential uses within the H overlay district if visible from a public right-of-way.
  - IV. Satellite dishes, parabolic antennas, and other similar antennas greater than three feet in diameter within the H historic overlay district shall be so located and screened within the rear half of the lot so as to blend with and conform to the historic district's design standards and/or character in order to preserve the historic integrity of the district. Design approval shall be through the normal historic district design review process prior to submitting a permit application to the chief building official.
  - V. Only one satellite dish, parabolic antenna, or other similar antenna shall be permitted per dwelling unit.
- b. In all zoning districts except residential districts, the following regulations shall apply:
  - I. All (any size) satellite dishes, parabolic antennas, and other similar antennas shall be allowed only in the rear half of a lot, and shall observe accessory building setbacks.
  - II. Satellite dishes, parabolic antennas, and other similar antennas shall be permitted on the roof of a building, provided they do not exceed three feet in diameter and do not extend more than ten feet above the roof of the building, except satellite dishes shall be prohibited upon roofs of residential uses within the H overlay district if visible from a public right-of-way.
  - III. Satellite dishes over three feet in diameter, but not exceeding 12 feet in diameter, may be mounted on the roof of a structure, provided a letter affirming its structural stability is written by a registered architect or engineer and submitted to the chief building official. Roof-mounted satellite dishes may not extend more than 12 feet above the roof of the building. Roof-mounted satellite dishes that comply with the above do not require additional yard setbacks or setbacks from residential areas or dwellings.
  - IV. Satellite dishes greater than three feet in diameter within the H-Overlay, MTC, and PD districts shall be so located and screened within the rear half of a lot as to blend with and conform to the historic district's design standards and character in order to preserve the historic integrity of the district. Design approval shall be through the normal historic district design review process prior to submitting a permit application to the chief building official.
  - V. Only one satellite dish, parabolic antenna, or other similar antenna shall be permitted per primary structure, unless specifically required for business needs and approved through the site plan process.

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## I. Food Trucks, Food Truck Operations Sites, and Food Truck Courts

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### 1. Purpose

The purpose of this section is to establish regulations governing food trucks, food truck operation sites, and food truck courts. These regulations are intended to promote the health, safety, and welfare of the public, and to protect the property rights of the owners of land located adjacent to and within the vicinity of properties containing a food truck or an operation site.

### 2. Applicability

Compliance with the standards in this section is required for all food trucks, food truck operation sites, and food truck courts within the city limits. Property owners shall be responsible for ensuring that any food truck which operates as part of a food truck court or operation site obtains all necessary permits prior to operation and conforms to all applicable city, county, state and federal regulations.

#### a. Plan and Permit Required

Food trucks shall be responsible for identifying and obtaining all applicable permits and shall be responsible for conforming to all applicable city, county, state and federal regulations, including:

- I. Food truck vendor permit; and
- II. Health permit.

#### b. Exemptions

These regulations shall not apply to food trucks that operate:

- I. At a special event that is properly licensed pursuant to a special event permit issued by the city, provided that the food truck is identified in the special event permit application as a participating concessionaire or caterer; or
- II. As a vendor at a properly permitted farmers' market for which the food truck has rented space from the farmers' market and/or its organizer(s); or
- III. On public property including, but not limited to a public park, public library, recreation or aquatics center, or performing art center at the request of and with the express written permission of the property owner.

### 3. General Standards (applicable to all)

#### a. Inspections

Food truck courts, food truck operation sites, and food trucks may be inspected from time to time by appropriate city personnel. Food truck courts, food truck operation sites, and food trucks shall immediately be made available for inspection upon request of such city personnel.

#### b. Safety

The Chief Building Official, Fire Marshal and/or the Director of Code Services shall have the authority to require that additional safety measures be provided at a food truck court, food truck operation site, or food truck to ensure the health, safety, and welfare of the general public. These additional safety measures may include, but are not limited to, limitations governing the provision of utilities (water, wastewater, electricity, gas, etc.) to the food truck, providing fire extinguisher(s), and adding limitations to the use of deep fat fryers or flat top grills in specific instances.

#### c. Refuse, recycling, litter, and food preparation byproducts.

- I. Food truck courts, food truck operation sites, and/or food trucks shall provide, on or within 20 feet of each food truck, containers of sufficient size and number for the disposal of refuse and recyclables resulting from the food truck's operation and sales. The containers shall be identified as being for the disposal of refuse and/or recyclables.
- II. City-provided refuse and recycling containers shall not be used to satisfy provision c.I. above, unless written authorization has first been obtained from the city for such use.
- III. Any refuse, recycling and/or litter on the ground at the food truck court or operation site shall be immediately picked up and discarded appropriately by the food truck operator or the food truck

- court's on-site manager. Refuse and/or recycling must be removed from the operation site or food truck court at least daily or more frequently as needed to remove excess refuse and/or recycling from the property thereby avoiding the creation of an unsanitary or unhealthy condition or nuisance.
- IV. Greases, oils, vapors and other similar food preparation byproducts shall be kept inside the food truck at all times. Dumping, or the improper disposal, of food preparation byproducts onto the ground, pavement or other surface or into a stormwater collection system or other system not designed for that specific use is strictly prohibited and may result in the immediate revocation of all permits and licenses of the food truck, food truck court, and/or food truck operation site in addition to the performance of any necessary remediation and the issuance of citations and fines.
  - V. Sewage, liquid wastes and food preparation byproducts shall be removed from a food truck at an approved waste servicing area in such a way that a public health hazard or nuisance is not created.

#### 4. Standards for Food Trucks

##### a. Operation Requirements.

- I. All food trucks shall remain fully mobile and operational, unless a commissary is provided on a food court site and said food trucks are authorized to utilize the on-site commissary.
- II. Food trucks shall report to their designated commissary at least once per day for food, supplies, cleaning and servicing.
- III. Food truck parking must be of sufficient size to park and operate and be finished with a compacted gravel base, concrete, or asphaltic surface materials.
- IV. Customer parking must be finished with concrete or asphaltic surface materials.

##### b. Food truck Log

Each food truck operator shall maintain a log that contains each date of servicing and the signature of the commissary operator certifying that servicing occurred at the commissary. In lieu of a log, receipts showing the type of purchases, date and time of purchases, and the location of the commissary where purchases were made may be accepted in lieu of a food truck log. The food truck log or receipts shall be made available to city personnel for inspection upon request.

##### c. Hours of operation.

Food trucks shall only be able to operate within the following hours for each of the following land uses:

- I. Food truck courts: 7:00 am to 12:00 am
- II. Food truck operation sites: 8:00 am and 10:00 pm.

##### d. Noise.

- I. Food trucks shall be subject to the noise requirements of [chapter 70, Article V \(noise\)](#) of the Code of Ordinances.
- II. No amplified sound shall be permitted after 10:00 p.m.

##### e. Signage.

All signage pertaining to or advertising a food truck and/or its menu shall be attached to the food truck. There shall be no limit to the amount of signage that is allowed on a food truck while the food truck is parked at a food truck court or operation site. A food truck shall not be outfitted with a "changeable electronic variable message sign" or any manner of "prohibited signage" as defined and/or set forth in Article 5: *Signs*.

#### 5. Additional Standards for Food Truck Operation Sites

##### a. Food truck temporary site permit (for an operation site)

- I. The owner or the owner's authorized representative of a property containing an operation site where a food truck may be located from time to time must apply for a food truck temporary site permit from the building inspections department prior to allowing a food truck to operate on their property. The permit application, which shall be verified in the same manner as required for a deed,

- shall include information that details where the food truck will be located on the property along with the location of any refuse receptacle(s), vehicle parking, dining area(s), and any other pertinent information regarding the operation of the food truck on and about the operation site. As part of the permit application, any necessary authorization letters from adjacent property owners and businesses shall be provided. Consent and authorization letters that limit the allowance of food trucks to a specific type or style of food will not be accepted. Any additional information as may be deemed necessary by the chief building official to thoroughly review the request shall also be submitted as part of the permit application.
- II. A food truck temporary site permit for an operation site issued by the building inspections department shall only remain valid for a maximum of 12 months and regardless of the date of issuance shall expire on December 31 of such calendar year.
  - III. A food truck temporary site permit may accommodate any licensed food truck vendor that the property owner/temporary site permit holder deems acceptable for an operation site.
  - IV. The chief building official, in approving or denying such application shall consider the nature of the use; existing uses in surrounding areas; noise, dust, light, and traffic generated; availability of parking and satisfaction of all minimum parking requirements; health and sanitary conditions; and compliance with other regulations of this chapter. The chief building official shall have the right, upon finding that a hazard or nuisance shall exist by continuing such use, to revoke any temporary use at any time or to deny any request. After which revocation, such temporary use shall immediately cease and all temporary structures shall be removed within ten days of notification of such finding.

## 6. Additional Standards for Food Truck Courts

### a. Required permits, plans, and inspections

#### I. Specific Use Permit

When required by Table 2-26: Table of Uses, a Specific Use Permit shall be required to be submitted and approved by the City Council prior to the issuance of any permits for a food truck court.

#### II. Site plan

A Site Plan shall be required to be submitted and approved as specified in 203E.1, *Site Plan*, prior to the issuance of any permits for a food truck court.

#### III. Certificate of occupancy

Each food truck court shall be required to receive a certificate of occupancy from the chief building official or their designee subsequent to the approval of a specific use permit and corresponding site plan. As part of the request for a certificate of occupancy, the following information, at a minimum, shall be provided:

- a. The name and address of the owner and/or operator;
- b. A description of the owner and/or operator;
- c. If the applicant represents a corporation, association, partnership or any other business entity, the names and addresses of the officers, partners or principals;
- d. The address and name under which the food truck court will be operated; and
- e. Any other information reasonably required by the chief building official to document the use and operation of the food truck court.

### b. Restrooms required.

Restrooms for each sex, or a gender-neutral restroom(s), located within a permanent building that has been issued a valid certificate of occupancy shall be provided for the use of the food truck's customers, operators, and employees. Such restroom(s) must remain open and available for use at all times during which the food truck is in operation.

**c. Utility services required at food truck courts.**

Each site at the food truck court on which a food truck will be located and operated shall be provided hookups for electricity and potable water. Each individual food truck is not permitted to operate a generator at the site unless emergency circumstances necessitate the need for the use of a generator on a temporary basis not to exceed two hours within any given six-hour period of time.